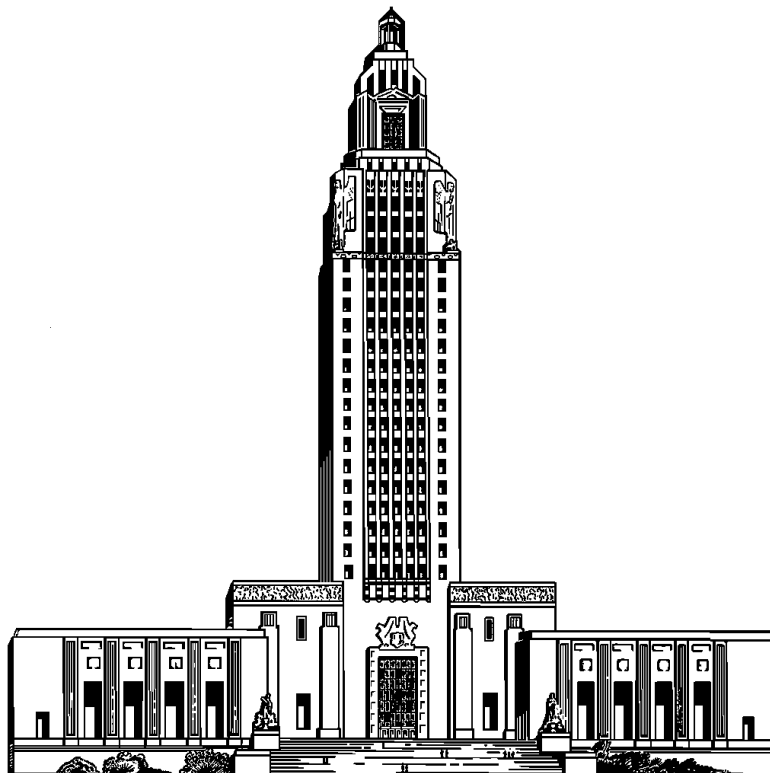


**HIGHLIGHTS**  
of the  
**2001 Regular Session**  
of the  
**Louisiana Legislature**



**Prepared by:**  
**House Legislative Services**  
**June, 2001**

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# ADMINISTRATION OF CRIMINAL JUSTICE

## 2001 First Extraordinary Session

### GAMING

#### **SB 1 by Hollis** (*Last Action – Act No. 1*)

Reduces minimum compensation to the state to the greater of 18.5% of gross revenues, or \$50 million annually, for the casino fiscal year 4/1/01, 3/31/02, and \$60 million annually for each succeeding casino fiscal year thereafter. Revises provisions governing the authority of the casino operator to offer a seated restaurant, catering of events, leasing of space and offsite hotel lodging subject to restrictions.

#### **HB 2 by DeWitt** (*Last Action – Act No.3*)

Authorizes licensed riverboats to conduct gaming while the riverboat is docked. Requires riverboats conducting gaming while the riverboat is docked to pay an additional franchise fee of 3% of net gaming proceeds, except for riverboats located on Red River and in the parish of the official gaming establishment. Provides that 70% of the revenues generated from the additional franchise fees shall be used for Pre-K through 12 teacher pay increases and 30% of the revenues, for post-secondary education faculty pay increases.

## 2001 REGULAR SESSION

### CRIMES AND CRIMINAL PROCEDURE

#### **SB 239 by C. Jones** (*Last Action – Sent to Governor*)

Removes mandatory sentences and reduces the length of incarceration in the penalty provisions for certain nonviolent offenses. Creates the Louisiana Risk Review Panel to review risk of danger to society that each person released poses to society.

#### **HB 2047 by Martiny** (*Last Action – Sent to Governor*)

Defines "sexual offender" for purposes of the "Sexual Offender Law" and defines "sex offense" for purposes of the Registration of Sex Offenders, Sexually Violent Predators, and Child Predators. Adds sexual battery of the infirm and deletes bigamy, abetting in bigamy, and crime against nature from these definitions. Also, consolidates the registration and notification requirements of persons convicted of sex offenses.

## **Criminal Justice**

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### **SB 511 by Lentini** *(Last Action – Sent to Governor)*

Provides a procedure for filing post conviction relief to allow DNA testing. Establishes a four-year period within which an application may be filed.

### **HB 622 by Faucheux** *(Last Action – Sent to Governor)*

Provides for the crime of owning a vicious or dangerous dog.

### **SB 881 by Chaisson** *(Last Action - Sent to Governor)*

Provides for violations of DWI, vehicular homicide, vehicular negligent injury, or first degree negligent injury when the operator is under the influence of alcohol and drugs which are not controlled dangerous substances or is under the influence of one or more drugs that are not controlled dangerous substances and the operator knowingly exceeds the dosage. Effective August 15, 2001, pursuant to HB 665 by Odinet and Wooton *(Last Action - Sent to Governor)*.

Reduces the BAC level from .10 to .08 for DWI and other driving related offenses, implied consent, and applicable sanctions. Effective September 30, 2003. Provisions null and void if P.L. 106-346, §351 is repealed or invalidated.

### **HB 665 by Odinet and Wooton** *(Last Action - Sent to Governor)*

Substitutes inpatient substance abuse treatment and home incarceration in lieu of imprisonment for 3rd and subsequent DWI offenders. Requires imprisonment when the offender fails to complete substance abuse treatment or violates a condition of home incarceration.

## **GAMING**

### **HB 2044 by Martiny** *(Last Action – Sent to Governor)*

Establishes uniform suitability standards for the land-based casino, riverboat gaming, and slot machines at live racing facilities. Provides for the issuance of permits which authorize the permittee to be employed by or conduct business with the land-based casino, riverboats, and slot machines at live racing facilities. Provides numerous changes to regulatory provisions of gaming law.

### **HB 2066 by Landrieu** *(Last Action – Sent to Governor)*

Requires the Louisiana Gaming Control Board to adopt rules for the development of a uniform compulsive and problem gambling identification and treatment program.

# Criminal Justice

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## INDIAN TRIBES

### **HB 181 by Riddle** *(Last Action – Failed to Pass/Senate)*

Establishes criteria and a uniform procedure to be used in determining when the state of Louisiana should recognize groups as Indian tribes.



# AGRICULTURE

## ANIMALS

### **HB 1913 by Strain** *(Last Action – Sent to Governor)*

Prohibits bringing, transporting, or moving adulterated meat or diseased livestock or animals into, through, or within Louisiana without written approval from the commissioner of agriculture and forestry. Provides for imposition of a civil penalty of up to \$1,000 per violation the law or regulations adopted pursuant thereto. Further provides criminal liability for violations. Violations are punishable by a fine and/or imprisonment with or without hard labor. The fine can be between \$5,000 and \$25,000. The imprisonment can be between one and 10 years. Criminal liability can be imposed in addition to the civil penalties.

### **HB 2062 by Schwegmann** *(Last Action – Sent to Governor)*

Creates and provides for the Louisiana Animal Welfare Commission, within the office of the governor, to assist the governor's Office of Community Programs in its efforts to ensure and promote the proper treatment and well-being of animals. Provides for its powers, duties, and functions including but not limited to: supporting local animal control enforcement efforts; supporting law enforcement in animal cruelty cases; making recommendations relative to caring for pets; assisting in the recovery of lost animals; and providing a public pet information service. Authorizes the commission to accept and solicit advice, services, and donations. Donations will be remitted to the state treasury and after compliance with law, will be placed in the Louisiana Animal Welfare Fund to be used to carry out the commission's functions and duties.

## AGRICULTURE

### **HB 524 by Thompson** *(Last Action – Act No. 11)*

Defines the term "ruminant" as any animal having a stomach with four chambers including but not limited to cattle, buffalo, sheep, goats, deer, elk, and antelopes. Such animals potentially carry the disease bovine spongiform encephalopathy (mad cow disease). Requires a registrant of a feed containing a protein derived from mammalian tissue, before making the feeds available for sale, to provide the Louisiana Feed Commission with a statement indicating that the feed shall not be fed to ruminants. Requires documentation accompanying customer-formula feeds which contain proteins derived from mammalian tissue to bear the express words "Do not feed to ruminants." Prohibits any commercial feeds containing protein derived from mammalian tissues from being manufactured for distribution or distributed for consumption by ruminants.

# Agriculture

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## PEST CONTROL

### **HB 1497 by Pinac** (*Last Action – Sent to Governor*)

Provides that standard contracts for termite protection currently in effect shall be transferable to subsequent owners of the property.

### **HB 1711 by Thompson** (*Last Action – Act No. 167*)

Limits the definition of "infested" to the actual presence of termites. Present law grants the commissioner of agriculture full power to prevent, suppress, and control Formosan termites. New law limits the scope of such authority to articles infested with Formosan termites. Provides relative to the responsibilities of owners of infested articles who offer the infested articles for transportation or movement.

# APPROPRIATIONS

## SUPPLEMENTAL APPROPRIATIONS

### **HB 1870 by LeBlanc - Supplemental Appropriations Act FY00-01** *(Last Action – Enrolled)*

Appropriates supplemental funds totaling \$140,385,384 from various sources for Fiscal Year 2000-2001, including the following major areas:

#### From the State General Fund and Federal Funds:

##### Dept. of Military Affairs -

Utility expenses, and firefighting, ice storm and flood emergencies \$ 6,185,420

##### Dept. of Culture, Recreation and Tourism, Office of the Secretary -

For the Louisiana Purchase Bicentennial Commission \$ 1,000,000

##### Medical Vendor Payments to Public Providers -

For state mental hospitals to provide for utility expenses \$ 1,444,224

##### Dept. of Education - Subgrantee Assistance -

For salary increments due under PIP \$ 407,760

##### Miscellaneous State Aid -

To pay Louisiana's share for WWII Memorial in Washington \$ 278,000

To pay judgments & compromise agreements \$ 874,618

To pay Support Personnel Salary Supplement \$ 12,500,000

##### Deposits from the State General Fund (Direct) into dedicated funds:

General Aviation - Reliever Airport Maintenance Grants \$ 200,000

Higher Education Initiatives Fund: Library/Scientific Acct. \$ 20,999,000

Louisiana Medical Assistance Trust Fund \$ 36,832,300

Louisiana Economic Development Fund \$ 6,000,000

##### Capital Outlay projects -

Substitutes SGF for projects no longer eligible for bonds \$ 23,325,000

#### From Statutory Dedications:

##### From the Mineral Revenue Audit and Settlement Fund for the

retirement of debt in advance of maturity \$

23,000,000

##### From the Volunteer Firefighters Insurance Premium

Fund for LSU-BR Fire Emergency Training Institute \$ 951,643

#### From Fees and Self-generated Revenues

##### For the Louisiana Stadium and Exposition District

for payment of inducements for the Saints \$ 4,000,000

# Appropriations

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## APPROPRIATIONS FOR FISCAL YEAR 2001-2002

### HB 1 by LeBlanc (*Last Action – Enrolled*)

Appropriations are in balance with the projected revenue for the coming fiscal year. The total FY 2001-2002 budget is approximately \$15.35 billion, of which \$6.4 billion is State General Fund. Compared to the beginning budget for last year, this represents an increase of \$1.4 billion. However, about half of this increase reflects spending adjustments that were added by budget adjustments during FY 2000-2001.

In addition to providing for these continuing expenditures, the most important growth items include increases in Medicaid (\$569 million), teacher and faculty pay (\$135 million), capital outlay (\$96 million), and TANF expenditures (\$70 million). Increases in State General Fund spending account for about \$300 million of the total increase. The remainder is primarily from federal funds or dedicated revenues.

### GENERAL GOVERNMENT

Office of Urban Affairs and Development reflects a 30% reduction in funding		\$
6.9 million		
Office of Rural Development reflects a 30% reduction in funding	\$	6.7 million
Restoration of cuts to Senior Centers and Parish Councils on Aging	\$	0.9 million
Additional state and federal funding for the Youth Challenge Program, including operation and maintenance of Carville Complex	\$	3.4 million
Funding and 2 positions in DNR to develop a plan for management of the groundwater resources of the state	\$	538,000
Increased federal and statutory dedication funding in DNR for coastal projects	\$	39.4 million

### ECONOMIC DEVELOPMENT

State General Fund for expenses related to "Service Zone" facilities	\$	7.5 million
State General Fund for the LA Technology Park and Solid Systems in Baton Rouge	\$	5.8 million
Funding for the Economic Development Award Program	\$	4.0 million
State General Fund for technology-based economic development initiatives through the Lafayette Economic Development Authority	\$	5.0 million
State General Fund for reorganization and "e-ready" conversion	\$	2.5 million

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## Appropriations

State General Fund support for the following sporting events:

Sugar Bowl (\$1,000,000), Independence Bowl (\$375,000), the New Orleans Bowl (\$300,000) and Super Bowl XXXVI (\$1,000,000)	\$ 2,675,000
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### PUBLIC SAFETY AND CORRECTIONS

Reduction to Sheriffs Housing of State Inmates due to changes in sentencing guidelines (funded at \$135 million)	(\$ 16.6 million)
Juvenile Justice Settlement Agreement	\$ 10.8 million
Correctional Security and Probation and Parole Officers base salary increase	\$ 16.8 million
Implementation of the Combined DNA Index System (CODIS) and Forensic DNA program in Office of State Police	\$ 2.7 million
Customer service programs and implementation of new technology in the Office of Motor Vehicles	\$ 4.9 million

### TRANSPORTATION AND DEVELOPMENT

Purchase of a replacement airplane	\$ 1.5 million
Contracts for Interstate rest area security and maintenance	\$ 1.6 million
Additional statewide signal crew	\$ 1.1 million
Improvements to department communications equipment	\$ 2.0 million
Upgrade of the PERBA permitting system to allow remote and E-commerce access for obtaining permits for oversize, overweight vehicles that require special routing on state highways	\$ 1.0 million
Net increase in equipment acquisitions, including over \$2.9 million in the District Operations Program for heavy equipment used by district maintenance crews	\$ 4.9 million
General Aviation and Reliever Airport Maintenance program	\$ 200,000
Support for Louisiana Airport Authority	\$ 220,000

### HEALTH AND SOCIAL SERVICES

#### Medicaid

Funding to offset Medicaid cuts required by the recommended funding in the Executive Budget. Through Legislative action, the Medicaid Private Providers Program is funded to the full level identified by DHH for anticipated costs of existing services	\$ 215.4 million
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The FY 2001-02 Medicaid Budget also includes the following enhancements and expansions affecting private health care providers:

## Appropriations

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Medicaid eligibility for children under Section 4913 of the Balanced Budget Act of 1997	\$ 11.9 million
Children's Choice Waiver Program for annualization of costs and up to 500 new slots	\$ 9.0 million
Adult Day Care/Elderly Waiver Programs for annualization of costs and filling allocated but vacant slots	\$ 3.7 million
Rate adjustments for non-emergency transportation services by certified ambulance providers	\$ 1.3 million
Rate adjustments for emergency medical transportation services by certified ambulance providers	\$ 600,000
Cost report payments for various providers	\$ 25.7 million
Payment of state matching share of uncompensated care payments to small rural hospitals	\$ 8.9 million
Additional uncompensated care payments to small rural hospitals and to public community hospitals, if intergovernmental transfers to DHH exceed \$53.4 million	\$ 17 million
Additional rebasing costs and other payment increases to Nursing Homes	\$ 43.5 million
Expansion of the Elderly/Disabled Assistance, Adult Day Health, and Personal Care Assistant Waiver Programs to increase alternatives to long term residential care	\$ 25.9 million
Expansion of LaCHIP to include parents of eligible children with family incomes up to the Federal Poverty Level, and pregnant women from 185% to 200% of poverty. Implementation of this expanded eligibility is contingent on DHH collecting self-generated revenue for the state match cost	\$ 29.8 million

### **Public Health**

Restored state services for safe drinking water testing	\$ 900,000
Restored HIV prevention services	\$ 600,000
Expanded the School Based Health Program in six parishes	\$ 820,000
Enhanced the AIDS Drug Assistance Program at LSU hospitals	\$ 2.8 million

### **Mental Health**

Restored civil inpatient and outpatient services and provides for court-ordered forensic service enhancements	\$ 8.3 million
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### **Developmental Disabilities**

Restored developmental centers	\$ 1.9 million
Restored and enhanced community-based programs	\$ 2.1 million

### **Addictive Disorders**

Restores substance abuse prevention and treatment services, including

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## Appropriations

Pines Treatment Center, Briscoe Detox, rural outpatient clinics, and other regional programs	\$ 2.6 million
Provides treatment for DWI offenders under home incarceration	\$ 2.2 million
Enhances compulsive gaming prevention and treatment services	\$ 1.5 million

### **HCSD Hospitals**

Addresses nursing and medical education issues at E.K. Long Med. Center	\$ 2.6 million
Maintain outpatient clinic services at Leonard J. Chabert Medical Center	\$ 1.6 million
Provides for the merger of Washington-St. Tammany Medical Center and Bogalusa Community Hospital	\$ 1.6 million

## SOCIAL SERVICES

### **(TANF) Temporary Assistance to Needy Families**

Large balances in these federal block grant funds have prompted the creation of new programs and expansion of existing programs under TANF, including addition of \$69.9 million to support these initiatives. Major increases include:

New Energy Assistance program	\$ 17.5 million
New Pre-kindergarten program for at-risk four-year-olds	\$ 15.0 million
New PreGED, dropout prevention program	\$ 14.0 million
Expanded education and training services	\$ 10.0 million
Wrap-Around Child Care (decreased from \$24 million)	\$ 10.0 million
Criminal Justice initiatives and drug court expansion 10.0 million	\$
Teen pregnancy prevention (increased from \$5.5 million)	\$ 7.0 million
Domestic Violence programs	\$ 4.0 million
Court-Appointed Special Advocates (CASA)	\$ 3.6 million

Funding was also provided for transportation, housing support, faith-based education, up-front diversion, non-medical substance abuse treatment services for women with children, individual development accounts, truancy centers, fatherhood programs, micro-enterprise development, and research and evaluation.

Use of State General Fund made available through designation of \$9 million spent on LEAP remediation as "Maintenance of Effort" (MOE) required for receipt of the TANF grant:

Match for federal funds for Child Care Assistance Program	\$ 5.2 million
Expansion of drug courts	\$ 2.8 million
Expansion of Youth Challenge Program	\$ 1.0 million

### **Other Social Services**

Additional payments in the Child Care Assistance Program to address

## Appropriations

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the waiting list (\$5.2 million SGF)	\$ 17.6 million
Additional funding for eligibility staff salary reallocation (\$1.08 million SGF)	\$ 3.6 million
Enhancement of fraud detection activities including development of comprehensive case management and recovery account system	\$ 2.5 million

### HIGHER EDUCATION

Formula enhancement funds to be distributed by the Board of Regents	\$ 15.0 million
Governor's Information Technology Initiative to enhance economic development and computer related fields at public universities	\$ 22.5 million
Emerging community college pool funding for new community colleges	\$ 1.5 million
Community and technical college pool funding to address enrollment shifts anticipated as a result of selective admissions criteria	\$ 1.5 million
Faculty pay increases at postsecondary institutions from gaming revenues revenues dedicated to the SELF Fund	\$ 38.7 million
From the Higher Education Initiatives Fund, for Library and Scientific Acquisitions	\$ 16.4 million
LSU School of Veterinary Medicine for accreditation necessities	\$ 400,000
Program enhancements at the LSU Senior College at LSU-Alexandria	\$ 891,000
Research and educational efforts for Fire Ants (\$400,000) and termites (\$800,000) through the LSU Agricultural Center	\$ 1.2 million
LSU School of Law to address personnel and library issues	\$ 700,000
Pennington Biomedical Research Center for a proteomics core lab facility and seed money for nutritional and genetic research	\$ 3.1 million
Louisiana Delta Community College as a separate institution	\$ 500,000

### ELEMENTARY AND SECONDARY EDUCATION

Increase Minimum Foundation Program including \$2,060 pay raise for Teachers and Certificated Personnel (\$96.8 million from SELF fund)	\$ 137 million
Continue full-funding for TOPS	\$ 102 million
Enhancements of School Accountability Initiatives, including \$10 million for school rewards, \$5.6 million in additional remediation funding, \$3 million for summer school and \$2.6 million for distinguished educators for a total \$52 million of accountability funding	\$ 26 million
Pre-K for At-Risk Four-year Olds (TANF)	\$ 15 million
Tuition Opportunity Program for Students	\$ 102 million

**HB 1783 by LeBlanc - Judicial Expense Act** *(Last Action – Enrolled)*

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## Appropriations

Provides \$106,717,028 for the expenses of the judiciary, including \$81,665,487 in State General Fund and \$9,700,000 in TANF funds from Dept. of Social Services, as follows:

Louisiana Supreme Court	\$ 27,482,179
Courts of Appeal	27,384,625
District Courts	20,398,524
Criminal Court, Parish of Orleans	3,671,735
Juvenile and Family Courts	1,560,960
Other Courts (Required by Statute)	1,824,897
Other Courts (Not Required by Statute)	<u>\$ 417,303</u>
 TOTAL	 <u>\$ 82,740,223</u>

New judgeships in the 17th, 19th and 13th Judicial Districts 162,141	\$
Salary increases for Justices of the Supreme Court, Judges of Appeals and District Courts, and state-paid salaries of City and Parish Court Judges as recommended by the Judicial Compensation Commission	\$ 1,641,983
Salary increases for commissioners of 15th and 19th JDC's and Orleans Parish Criminal District Court, contingent on legislation 106,121	\$
Drug Courts from \$9.7 million transferred from DHH and \$5 million in TANF funding from DSS	\$ 14,743,701
Truancy and Assessment Centers, including \$2,785,000 in state funds (previously in Board of Regents) and \$1,100,000 in TANF funds	\$ 3,885,000
Court-Appointed Special Advocates (CASA) from TANF funds	\$ 3,600,000

### **HB 1817 by LeBlanc - Legislative Appropriation Act** *(Last Action – Enrolled)*

Provides for expenses of the legislature and its service agencies for FY2001-2002 including:

House of Representatives	\$ 22,133,142
Senate	\$ 13,640,697
Auditor	\$ 6,605,016
Legislative Fiscal Office 1,593,501	\$
Louisiana Law Institute	\$ 815,468
Legislative Budgetary Control Council	<u>\$ 6,346,225</u>
 Total state general fund	 <u>\$ 51,134,049</u>

# Appropriations

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## SPECIAL FUNDS

**HB 1565 by LeBlanc** *(Last Action – Enrolled)*

**HB 1641 by LeBlanc** *(Last Action – Enrolled)*

Based on findings of the Select Committee on Fiscal Affairs (SCOFA), repeals and revises certain special treasury funds which are either not needed or required modification in order to make use of fund balances.

Authorizes transfer of \$1,000,000 from the Louisiana Technology Innovations Fund to the state general fund on July 1, 2001.

Establishes the Deficit Elimination/Capital Outlay Escrow Replenishment Fund. The difference between the May 14, 2001 official forecast of general purpose revenue for FY 00-01 and the actual collections of such revenue will be deposited into the fund and may be used only in the following priority order:

- (1) \$62,000,000 reserved to pay deficits of the State Employees Group Benefits Program.
- (2) \$10,000,000 as a partial satisfaction of debt owed to the state general fund by the Health Care Services Division(HCSD) of the LSU Health Sciences Center.
- (3) Financing of capital outlay projects for which the time has lapsed for sale of bonds.
- (4) Payment of FY 01-02 deficits of the State Employees Group Benefits Program.
- (5) Payment of remaining debt to the state general fund by LSUHSC-HCSD.

**SB 883 by Ellington** *(Last Action – Sent to Governor)*

Establishes the Health Trust Fund, which is composed of: (1) up to one-third of the earnings from the Medicaid Trust Fund for the Elderly; (2) intergovernmental transfers (IGT) or other public monies eligible as state match; (3) uncompensated care (UCC) payments to state and other public providers for the purposes of the (IGT) program, except for UCC payments up to 100% of UCC costs for certain small hospitals; and (4) local monies which may be used to obtain federal funds.

Monies appropriated from the fund must be used to enhance health care to children through the Medicaid and LaCHIP programs by expanding eligibility and availability of services for uninsured children, parents of children who are recipients of Medicaid and LaCHIP, and pregnant women and increasing access to primary and preventive health care, especially to the uninsured.

Hospitals and other facilities are required to provide DHH with patient data indicating amounts and types of uncompensated care provided, and are subject to a noncompliance penalty of withholding of payments due pending submission of any missing data.

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## Appropriations

Implementation and use of the fund is contingent upon approval of a Medicaid State Plan amendment required by the federal government, funding, and Joint Legislative Committee on the Budget approval of an implementation plan submitted by DHH. Monies from the fund cannot be used to supplant state general fund support for Medicaid or LaCHIP.

### **HB 1368 by Daniel** *(Last Action – Enrolled)*

*Background: Act 30 of the 2000 Regular Session, for purposes of the state sales and use tax, defined tangible personal property to exclude the sale of manufactured homes sold for use as a primary residence. However, the initial sale from a dealer to a consumer would be taxed to the extent of 46% of the sales price. This Act was to become effective upon settlement of "Shirley M. Avants, et al. v. John Neely Kennedy, et al". The judge in the "Avants" case ordered that all sales and use taxes paid on the sale of manufactured homes be held in an escrow account. House Bill No. 1368 makes Act 30 effective on July 1, 2001.*

House Bill 1368 facilitates the settlement of the "Avants" and related litigation and provides for the manner in which these claims are to be paid. The claimants are to be paid from state sales and use tax monies held in escrow.

### **HB 1879 by R. Alexander** *(Last Action – House Calendar)*

Proposed to establish the Major Trauma Trust Fund as a special fund in the state treasury, to be comprised of service charges collected on motor vehicle moving violations. Monies in the fund would have been used to developing a transportation network and supporting communication system, funding surgical services at receiving facilities, and funding equipment in the centers. The bill also provided for creation of a Trauma Trust Fund Advisory Board.

### **HB 1652 by LeBlanc and Dardenne** *(Last Action – Enrolled)*

### **SB 274 by Dardenne** *(Last Action – House Committee)*

Establishes the Exceptional Performance and Gainsharing Incentive Program whereby state employees may receive rewards of bonus compensation related to outstanding agency performance and other efficiency-related initiatives, and agencies may receive rewards to be used for nonrecurring productivity enhancements. This is established as a supplemental component of the performance-based budgeting system. The Department of State Civil Service will develop a master reward plan to be used by all agencies which will participate in this program.

The Incentive Fund is established and is composed of any unspent monies which would have reverted to the state general fund, to be deposited annually as necessary to achieve a balance in the Incentive Fund of not more than \$4,000,000 and to ensure that the balance does not fall below \$3,200,000.

## Appropriations

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The Joint Legislative Committee on the Budget will determine which agencies, programs, or activities will receive a reward each fiscal year. The commissioner of administration may recommend a reward based on either demonstrated savings or an entity's consistently meeting or exceeding performance expectations. The committee may also consider an agency or program for a reward based on performance as reflected in the Year-end Performance Progress Report.

**SB 244 by Malone** (*Last Action – Enrolled*)

**SB 762 by Malone** (*Last Action – Enrolled*)

Proposes to amend the Constitution of Louisiana to authorize the legislature to establish programs to assist farmers who voluntarily forgo agricultural production for the purpose of protecting or replenishing groundwater supply during periods of drought, and to enhance and develop surface water resources for use by farmers for irrigation purposes.

These bills provide for establishment of the Drought Protection Trust Fund, to be composed of monies received by the state from public and private sources for the purposes of protection and enhancement of groundwater and surface water resources of the state, and any other monies appropriated to the fund.

Monies available for appropriation are limited to interest earnings on the fund, except that the principal in the fund may be used only in the case of a drought emergency as declared by the Commissioner of Agriculture, subject to approval by the Interim Emergency Board and consent of the legislature through mail ballot. Principal monies may also be appropriated and utilized to comply with the requirements of a contract, grant, or donation.

**SB 757 by Schedler, Durand and Welch** (*Last Action – Enrolled*)

Establishes the Medicaid School-Based Administrative Claiming Trust, to be composed of all monies received by the state as a result of the intergovernmental transfer program for school-based claiming and all income on investment of monies in the fund. Monies appropriated from the fund shall be used for a program of reimbursement based on the actual costs of administrative outreach provided by the school districts, support of the Medicaid, and costs of the Department of Health and Hospitals (DHH) associated with implementing the program which do not exceed 15% of the federal participation generated by monies certified for match under the program.

Prohibits use of monies in the fund to replace or supplant appropriations from the state general fund for the Medicaid program.

Requires local school boards and any single provider organizations representing school boards, to indemnify the state with respect to disallowances by the federal government. Further requires such entities to enter into hold harmless agreements with the state with respect to such disallowances.

### PUBLIC BUILDINGS/GROUNDS

#### **HB 243 by Scalise** *(Last Action – Enrolled)*

Authorizes the Louisiana Stadium and Exposition District to sell or transfer the naming rights to Zephyr Field subject to the approval of the Joint Legislative Committee on the Budget, and requires that proceeds obtained by the district be used exclusively for the purposes of that facility.

#### **SB 18 by Hollis and Scalise** *(Last Action – Enrolled)*

The Louisiana Stadium and Exposition District is authorized to sell or transfer the right to designate and use an alternative name for the Superdome, and requires that any agreement which provides for the transfer of such rights shall provide that all royalty and other payments in consideration for same shall be paid to the entity which holds an NFL franchise and leases the facility. If the franchise terminates its lease of the stadium, or notifies the NFL or the Louisiana Stadium and Exposition District of its intention to relocate the franchise, or enters into any agreement with another entity to move the franchise from New Orleans, then subsequent payments of royalties and other monies due under such an agreement would revert to the Louisiana Stadium and Exposition District. The effectiveness of any agreement to sell or transfer the right to use an alternative name for the Superdome is subject to approval by the Joint Legislative Committee on the Budget.

#### **HB 2013 by Murray** *(Last Action – Enrolled)*

The Sports Facility Assistance Fund is established, to be composed of monies received by the state from certain income taxes for income of non-resident professional athletes and sports franchises.

Professional athletes and sports franchises are limited to athletes or franchises that are affiliated with the following associations or leagues: PGA, NFL, NBA, NHL, East Coast Hockey League, Pacific Coast League (baseball).

Monies in the fund shall be appropriated to the owner of the facility, course, stadium, or arena at which the nonresident income is earned, and the use of such monies is limited to renovations, additions, operations, and maintenance of those facilities. Monies appropriated to the Louisiana Stadium and Exposition District shall be used for renovation of the Superdome and for stadium development, except that monies derived from participation in the Pacific Coast League shall be used for the baseball facility in Jefferson Parish. Monies which are derived from the Compaq Classic shall be appropriated to the Classic Foundation, Inc. for expenses incurred in connection with the Compaq Classic. Applicable to taxable years beginning after December 31, 2000.

### INVESTMENT OF STATE FUNDS

# Appropriations

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**HB 508 by Daniel** *(Last Action – Enrolled)*

**HB 1322 by Daniel** *(Last Action – Enrolled)*

The Constitution of Louisiana generally prohibits the investment of state or local funds in stocks with certain specific exceptions. HB508 and its statutory companion, HB1322, propose to amend the constitution to authorize institutions of higher education or their management boards to invest in stocks up to 50% of funds received from gifts and grants, funds functioning as endowments, or other permanent funds.

**SB 240 by Ellington** *(Last Action – Enrolled)*

**SB 508 by Schedler** *(Last Action – Sent to Governor)*

The Constitution of Louisiana generally prohibits the investment of state or local funds in stocks with certain specific exceptions. SB 240 proposes to amend the constitution to authorize the investment of up to 35% of monies in the Medicaid Trust Fund for the Elderly in stocks. By statute, monies in this fund may be invested in the same manner as those in the Louisiana Education Quality Trust Fund, and may be used to pay expenses related to investment management and consulting and for other custody, investment and disbursement costs with a limit on costs of two percent of the amount managed.

## BUDGETARY CONTROLS AND STATE BUDGET

**HB 507 by Daniel, et al.** *(Last Action – Enrolled)*

**HB 1019 by Daniel, et al.** *(Last Action – Enrolled)*

**HB 1126 by Faucheux** *(Last Action – House Committee)*

**SB 121 by Schedler** *(Last Action – Senate Calendar)*

Three constitutional amendments were proposed to provide a mechanism for the governor and the legislature to reduce protected or mandated appropriations in the case of a deficit. Of these, House Bill No. 507 and 1019 by Representative Daniel, et al were enacted.

Proposes to amend the Constitution to provide for limited budget adjustments and reductions in the case of a projected deficit. The governor is authorized, subject to approval of the Joint Legislative Committee on the Budget, to reduce up to 5% of appropriations from the State General Fund and dedicated funds in any fiscal year in which a deficit is projected and reductions of .70% in appropriations from total State General Fund appropriations have already occurred. However, reductions to the Minimum Foundation Program are limited to 1% and then only to expenditures excluding "instructional activities" as such activities are defined in the MFP formula. Monies becoming available as a result of such budget reductions would then be available for transfer to the fund in deficit, and monies so transferred would be deemed available for appropriation and expenditure in the year of the transfer from one fund to another.

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## Appropriations

Relative to development of a new budget, if the official revenue forecast for the next year is at least 1% less than for the current year, the governor and legislature are authorized to reduce the monies proposed for appropriation or allocation for mandatory expenditures or allocations by up to 5%, making those funds available for other expenditures. However, reductions in the amounts proposed for funding of the Minimum Foundation Program are limited to 1% and then may only be based on expenditures excluding "instructional activities" as such activities are defined in the MFP formula.

These provisions do not affect: the Bond Security and Redemption Fund, the severance tax and royalty allocations to parishes, state retirement contributions, the Louisiana Education Quality Trust Fund (8g), the Millennium Trust, except for appropriations from the trust, and monies not required to be deposited into the state treasury.

Also limits the governor's unilateral budget cutting authority outside of the foregoing proposed process from 10% of appropriations for a budget unit from a fund in deficit to 3% of the total appropriations for a budget unit if the budget unit receives appropriations from a fund in deficit.

**HB 1528 by Thompson and Scalise** *(Last Action – Enrolled)*

**HB 1443 by Scalise** *(Last Action – House Committee)*

Relative to a procedure for avoidance of budget deficits, in addition to the governor's current authority to reduce appropriations from a fund that is in deficit, permits the governor to adjust appropriations or allocations from statutorily dedicated monies up to 5% and to transfer the associated monies to a fund in deficit if the governor has already reduced total state general fund appropriations by at least 0.70% for that fiscal year. Monies transferred as a result of such budget adjustments are deemed available for appropriation and expenditure in the year of the transfer from one fund to another. These provisions of law become null and of no effect in the event that the amendment to the Constitution of Louisiana proposed by House Bill No. 507 is approved by the electors and becomes effective.

**HB 1665 by LeBlanc** *(Last Action – Sent to Governor)*

In response to the issues that arose during this year as to the difference between budgetary accounting and the modified accrual basis accounting that is reflected in the Comprehensive Annual Financial Report (CAFR) of the state, this bill clarifies the definition of "deficit" and "projected deficit" so that these terms reflect a budgetary accounting basis.

Provides that the budget status report presented by the division of administration to the Joint Legislative Committee on the Budget at each meeting be modified to reflect the following:

- (1) The budget status reports submitted after October 15 of any fiscal year shall reflect the balance for any fund for the previous fiscal year.

## Appropriations

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- (2) After the publication of the CAFR, the budget status report shall be adjusted to reflect the unreserved, undesignated balance in any fund at the end of the previous fiscal year. The division of administration shall adjust such balance for items that do not affect the budgetary soundness of the state.
- (3) The budget status report shall also describe any issues which affect the long-term budgetary soundness of the state. This description shall be prepared by the division of administration and reviewed by the legislative fiscal office.

Effective July 1, 2001.

### **HB 485 by Toomy** *(Last Action – Sent to Governor)*

Proposes to amend the Constitution of Louisiana to mandate full funding of state salary supplements to certain full-time local law enforcement and fire protection officers beginning July 1, 2003. The proposal provides for definitions of the class of such eligible local officers, determines full funding to mean the amount needed to meet legal requirements for such payments which are in effect on July 1, 2001, and limits reductions to such appropriations to instances where the written consent of 2/3 of the members of each house of the legislature is given. The governor is required to include full funding of such state salary supplements in his annual budget estimate, and beginning July 1, 2003, the legislature is required to appropriate monies sufficient to provide for payment of same.

### **SB 739 by Schedler** *(Last Action – Sent to Governor)*

Provides for a four-year experiment with a "business enterprise model" for the LSU Health Care Services Division hospitals. All HCSD revenues and expenditures, except state general fund, are authorized to be held "off-budget", and HCSD is permitted to retain a portion of any net surplus it generates from Medicaid and non-Medicaid revenues during this period. HCSD will share its net surplus with various stakeholders during the first two years of the experiment, and will retain 100% of the net surplus in years three and four. The legislature will exercise enhanced oversight over the finances of the HCSD and more frequent reporting is required during the first two years. In years three and four, HCSD hospitals have more autonomy at the same time as state uncompensated care payments are opened up to greater market competition.

### STATE GROUP INSURANCE

**HB 1492 by DeWitt** (*Last Action – Enrolled*)

**SB 230 by Fontenot** (*Last Action – Sent to Governor*)

Relative to the State Employees Group Benefits Program, creates the Board of Group Benefits Policy and Planning to replace the Board of Trustees. The composition of the board remains the same but the function changes from policy and management to policy review and recommendation. The board will no longer be authorized to set rates or benefits. The chief executive officer will report information regarding rates or benefit changes directly to the commissioner of administration, with legislative oversight.

Creates a retiree vesting schedule for state employees. The schedule bases the state's subsidy of a retiree's premium on the number of years the individual has participated in the program. Current employees are grandfathered into the system, however, they must join the program by January 1, 2002 and be continuously covered until retirement. The schedule is as follows:

(1)	Less than 10 years	19%
(2)	10 years but less than 15 years	38%
(3)	15 years but less than 20 years	56%
(4)	20 years or more	75%

Requires agencies that elect to participate in the health program offered by State Employees Group Benefits to participate in the life program offered by State Employee Group Benefits.

Increases the state contribution for employee-only coverage to 75% over the next three years. The state's contribution rates over the next three years are as follows:

Year 2001-2002	58%
Year 2002-2003	65%
Year 2003-2004	75%

Expands eligibility for programs administered by State Employees Group Benefits Program to include any active or retired employee of the Louisiana Naval War Memorial Commission. Continues eligibility of any employee of the New Orleans City Park Improvement Association who is currently a participant in programs offered by State Employee Group Benefits Program and who is transferred to non-profit corporation pursuant to a cooperative endeavor agreement.

# Appropriations

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## PAYROLL DEDUCTIONS

**SB 858 by Cravins** *(Last Action – Sent to Governor)*

**HB 1919 by Donelon** *(Last Action – House Committee)*

**HCR 95 by Donelon** *(Last Action – Sent to Secretary of State)*

**SCR 84 by Cravins** *(Last Action – Senate Committee)*

Relative to voluntary payroll deductions for insurance premiums for state employees, authorizes every vendor receiving payment through voluntary payroll deductions as of July 1, 2001, under the Uniform Payroll System, to continue to be approved as a vendor if the vendor meets the requirements of the rules and regulations of the division of administration governing payroll deductions which were in effect May 19, 2000 (requires vendors to have individual product participation which exceeds 250 participating employees). Vendors receiving payment through voluntary payroll deductions as of July 1, 2001, may apply for new payroll deduction for additional products, policy forms, or service plans subject to the rules and regulations.

Provides for the establishment by executive order of the Uniform Payroll Insurance Committee to study issues related to the administration, availability, and purchase of insurance products by state employees through the Uniform Payroll System.

Suspends the rules and regulations of the division of administration governing payroll deductions which were in effect May 20, 2000, which require vendors to have an individual product participation which exceeds 1000 participating employees, for sixty days after final adjournment of the 2001 Regular Session of the Legislature.

## STATE PROCUREMENT AND CONTRACTS

**SB 417 by Schedler** *(Last Action – Sent to Governor)*

**HB 297 by Ansardi** *(Last Action – House Committee)*

**HB 1833 by Bruneau** *(Last Action – Sent to Governor)*

Decreases the amounts of certain preferences for procurement under both Public Bid Law and the Louisiana Procurement Code.

For procurement of certain materials and provisions by the state and local governments under the Procurement Code and the Public Bid Law, preferences for the following agricultural and forestry products produced or manufactured in Louisiana were decreased from 10% to 7%:

- (a) Meat and meat products processed in the state from live animals
- (b) Louisiana-grown domesticated or wild catfish
- (c) Produce grown or processed in Louisiana

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## Appropriations

The preference for purchase of eggs laid in Louisiana and egg products processed from eggs laid in Louisiana under the Procurement Code for state agencies was reduced from 10% to 7%.

For Louisiana paper and paper products, requires that the packaging be clearly labeled with the name of the manufacturer or converter and the location within Louisiana where the paper is manufactured or converted.

Provides that state procurement officials may purchase Louisiana products whose source is a clay which is mined or originated in Louisiana, and which is manufactured, processed, or refined in Louisiana for sale as an expanded clay aggregate form different than its original state and which is equal in quality to such products from outside of Louisiana provided the cost does not exceed 10%.

## Appropriations

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# CIVIL LAW AND PROCEDURE

## ATTORNEYS

### **HB 133 by Fruge** (*Last Action – House Calendar*)

Would have created a right of action for the prevailing defendant to recover all expenses actually incurred in the defense of the action, from the petitioner or his counsel, including reasonable attorney fees and expert witnesses fees as determined by the court if the action was initiated or prosecuted without probable cause.

## CHILDREN

### **HB 1398 by Clarkson** (*Last Action – Sent to Governor*)

Revises the child support guidelines statutes. Includes an explanation of the data and economic foundation and principles for the guidelines and the income shares approach to sharing child rearing expenses. Retains existing table with slight modifications and increases the schedule to income levels of \$20,000 a month. Specifically defines joint, split, and shared custody, and explains how each arrangement effects the calculations of child support. Modifies the current obligation worksheet and provides a second worksheet for the calculation of support depending upon the type of arrangement. Provides for a minimum child support award of \$100.00. Provides for an accounting of child support payments in the form of an income and expense affidavit for the child for the six months prior to the filing of the request. Defines multiple families and authorizes the court to use its discretion in setting a child support award in these cases. Legislatively overrules *Stogner v. Stogner*, 98-3044 (La. 7/7/99); 739 So.2d 762, to require a material change in circumstances to modify a support award. Authorizes the court to consider a subsequent family as a defense to a modification action based upon the obligors second job or overtime taken to provide for a subsequent family. Explains that the net child care costs are determined by applying the Federal Credit for Child and Dependent Care Expenses to the total/actual child care costs.

### **HB 94 by Salter** (*Last Action – Sent to Governor*)

Provides that when a nondomiciliary party's portion of the child support obligation is between fifty and seventy percent of the total obligation, he is entitled to claim the federal and state tax dependency deduction if no arrearages are owed and the deduction would benefit him without significantly harming the domiciliary party. When a nondomiciliary party's portion of the child support obligation exceeds seventy percent of the total obligation and no arrearages are owed, he is entitled to claim the deduction every year.

# Civil Law and Procedure

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**SB 494 by Hines** *(Last Action – Sent to Governor)*

Provides that if a husband consents in writing to the use of his gametes to conceive a child after his death, and if the child is born to the surviving spouse within two years of the husband's death, the child shall be deemed the legitimate child of the decedent.

## CONTRACTS

**HB 888 by Pinac** *(Last Action – Act No. 244)*

**HB 666 by Pinac** *(Last Action – House Committee)*

**HB 199 by Richmond** *(Last Action – House Committee)*

Adopts the Uniform Electronic Transactions Act (UETA), which provides for the implementation and use of electronic records and electronic signatures in order to form a valid and binding contract. UETA provides for definitions and general concepts which allow the parties to choose whether or not to form the contract by electronic means as well as the technology and security procedures employed to form the contract. An "electronic signature" is defined as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

## DAMAGES

**HB 453 by Walsworth** *(Last Action – House Committee)*

Would have provided the procedure for awarding exemplary damages in claims involving hazardous or toxic substances brought pursuant to Civil Code Article 2315.3 which was repealed by Act No. 2 of the 1st Extraordinary Session of 1996. Would have provided, in part, for a separate trial on the issues of liability and damages, and would have provided a presumption that any award for exemplary damages in excess of two and one-half times of the amount of compensatory damages was unreasonable.

## EXPROPRIATION

**HB 349 by McMains** *(Last Action – Act No. 228)*

Authorizes East Baton Rouge Parish and the city of Baton Rouge to expropriate property for sewer, drainage, or road projects by a declaration of taking, until December 31, 2005. Requires the governing authority to give written notification to the owner of its intention to expropriate at least thirty days prior to filing a petition. Provides that a defendant has thirty days to file a motion to dismiss contesting the validity of the taking on the ground that it was not expropriated for a public purpose. Provides that these provisions do not apply to pending litigation.

### MEDIATION

**HB 1458 by Riddle** *(Last Action – Failed to Pass/House)*

**SB 917 by Hainkel** *(Last Action – Failed to Pass/House)*

Would have authorized a court, on its own motion, to refer a civil case to mediation when the amount in controversy exceeded fifty thousand dollars.

### PROPERTY

**HB 1049 by Murray** *(Last Action – Sent to Governor)*

**SB 987 by Johnson** *(Last Action – Sent to Governor)*

Provides for the procedures and requisites, in municipalities with a population of 425,000 or more, to obtain ownership of an immovable which has been declared blighted and which has been improved by the possessor. Provides for the acquisitive prescription of three years without the need of just title or possession in good faith.

### SEIZURES/SALES

**SB 716 by Irons** *(Last Action – House Committee)*

Would have increased the minimum amount of disposable earnings exempted from seizure from 30 times to 60 times the federal minimum hourly wage, and would have added to the definition of "disposable income" a \$75 per week exemption for each dependent the debtor listed on the debtor's income tax forms filed with his employer.

### SUCCESSIONS

**HB 361 by Ansardi** *(Last Action – Sent to Governor)*

Reintroduces provisions on the subject of disinheritance of forced heirs which were inadvertently repealed in the comprehensive successions revision (Acts 1997, No. 1421). Provides the exclusive instances in which a forced heir may be disinherited for just cause, which include:

- (1) The child has raised his hand to strike a parent, or has actually struck a parent; but a mere threat is not sufficient.
- (2) The child has been guilty, towards a parent, of cruel treatment, crime, or grievous injury.
- (3) The child has attempted to take the life of a parent.
- (4) The child, without any reasonable basis, has accused a parent of committing a crime for which the law provides that the punishment could be life imprisonment or death.

## Civil Law and Procedure

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- (5) The child has used any act of violence or coercion to hinder a parent from making a testament.
- (6) The child, being a minor, has married without the consent of the parent.
- (7) The child has been convicted of a crime for which the law provides that the punishment could be life imprisonment or death.
- (8) The child, after attaining the age of majority and knowing how to contact the parent, has failed to communicate with the parent without just cause for a period of two years, unless the child was on active duty in any of the military forces of the United States at the time.

## UNIFORM COMMERCIAL CODE

### **HB 679 by McMains** (*Last Action – Act No. 128*)

Recodifies Chapter 9 of Louisiana's Commercial Laws governing secured transactions which provide the rules that allow lenders to obtain security (using only non-real estate collateral) as protection for their loans to borrowers. Provides the following substantive changes to existing law:

- (1) Changes the filing of the notice of the security interest to the state where the debtor is located, instead of where the collateral is located.
- (2) Removes the necessity of signing the filed notice of the security interest.
- (3) Eliminates the requirement of social security numbers in the filed notice of security interest.
- (4) Increases the fees for filing the various notices and amendments to security interests filed with the clerk of court.
- (5) Health care insurance receivables are allowed to be used as collateral.
- (6) Expands and clarifies the secured party's right to proceeds of collateral.
- (7) Expands the notice provisions and other protections for debtors to include guarantors.
- (8) Clarifies the perfection and priority rules for specialized collateral such as bank deposit accounts and life insurance policies.

# COMMERCE

## BUSINESS ENTITIES

### **HB 1654 by Pinac** *(Last Action - Enrolled)*

Requires domestic and foreign limited liability companies to file an annual report signed in the name of the LLC and stating the municipal address of its registered office, the name and municipal address of its registered agents, and the name and municipal address of its managers, if any. Provides for revocation of the articles of organization of any LLC failing to file an annual report for three consecutive years. Prohibits any LLC which is not in "good standing" from doing business with any state entity. Authorizes the secretary of state to assess a \$10 fee for the filing of such annual report.

## CONSUMER PROTECTION

### **Unfair Sales Act/Motor Fuel**

#### **HB 1494 by Townsend** *(Last Action - House Calendar)* *(Duplicate of SB 834 by Sen. Hoyt)* **HB 1495 by Townsend** *(Last Action - House Calendar)*

Enacts the Motor Fuel Fair Marketing Act. Provides for the fair marketing of motor fuel by prohibiting refiners and nonrefiners from selling motor fuel at retail below their cost if such sales injure competition. Requires the Department of Revenue, office of alcohol and tobacco control, to issue permits for the retail sale of motor fuel, and authorizes the department to investigate complaints, secure records, and determine if a violation was committed. Authorizes the department to suspend and revoke sales permits of violators. Establishes a cause of action for any person and for trade organizations injured by sales in violation of these provisions. Exempts the sale of motor fuel from the Unfair Sales Law.

#### **HB 811 by Daniel** *(Last Action - House Committee)*

Repeals the Unfair Sales Law.

#### **SB 396 by Fontenot** *(Last Action - House Committee)*

Repeals the Unfair Sales Law. As amended in the Senate Committee on Commerce and Consumer Protection, the bill exempts petroleum products, including motor fuel, from the Unfair Sales Law.

# Commerce

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## CREDIT CARDS

### **HB 626 by Flavin** *(Last Action - Sent to Governor)*

Restricts the printing of more than the last five digits of a credit card on any electronically printed receipt. Exempts credit card transactions in which the sole means available to the provider of recording the credit card number is by handwriting or imprint of the card. Exempts receipts issued for transactions on the electronic benefits transfer system in accordance with federal law. Subjects violators to damages, expenses, and attorney fees. Becomes operative January 1, 2004, for cash registers in use before January 1, 2002, and becomes operative on January 1, 2002, for cash registers first put into use after January 1, 2002.

## COSMETOLOGY

### **HB 1485 by Pinac** *(Last Action - Sent to Governor)*

Revises the Louisiana Cosmetology Act in its entirety. Allows board members to recuse themselves from voting on matters which would cause them to be in violation of the Code of Governmental Ethics. Provides that licensed barbers may practice barbering in a beauty shop if they are working in an area of the shop specifically designated for barbers, and cosmetologists may work in barber shops if working in their designated areas. Further provides that barber apprentices, except those enrolled in the apprenticeship program prior to June 1, 2001, shall be prohibited from engaging in barbering in beauty shops.

Allows the board to engage in new duties, such as summarily suspending, reprimanding, and placing licensees on probation; issuing certificates of temporary registration to out-of-state licensees; issuing special permits; and contracting for inspectors, clerical help, and other personnel. Removes requirement that a chief inspector and at least one inspector per congressional district be hired. Requires a beauty shop owner who is absent from his shop for more than two days per week to employ a manager. Provides that reciprocity requirements for out-of-state cosmetologists, manicurists, and estheticians are uniform. Requires each school of cosmetology to offer courses in esthetics and manicuring.

Adds several new grounds for administrative penalties that may be taken by the board. Allows inspectors to issue citations and collect a fine of \$25 per violation, if the violator waives his right to a hearing. Increases penalties for violations and provides that the board may assess all costs incurred in connection with any proceedings brought for violations.

**DEPARTMENT OF ECONOMIC DEVELOPMENT****HB 1666 by Pinac** (*Last Action - Act No. 9*)

Consolidates the Department of Economic Development from seven offices to three, which include the office of the secretary, the office of management and finance, and the office of business development. Provides that the office of business development shall perform the majority of the functions of the department. Expands the authority and role of the Louisiana Economic Development Corporation and adds three new members of its board of directors. Provides that the corporation shall serve as the single review board for all financial assistance, loans, incentives, workforce training, investment programs, and any related appropriations, grants, or joint ventures administered by the department. Provides that the corporation shall administer the Workforce Development and Training Program and the Economic Development Award Program and repeals the funds for such programs.

Creates the Office of Financial Institutions as a separate state agency within the office of the governor. Places the Louisiana Film and Video Commission within the department. Replaces the division of small and emerging business development with a more flexible Small and Emerging Business Development Program.

**HB 1448 by Pinac** (*Last Action - Act No. 8*)

Transfers eighteen licensing boards from the Department of Economic Development to the office of the governor. Requires each of these agencies transferred or placed in the office of the governor to submit a copy of its proposed budget to the House Committee on Commerce and the Senate Committee on Commerce and Consumer Protection and provides that such committees shall have legislative oversight regarding any rules proposed by such agencies. Further provides that the records of these agencies shall not be exempt from the Public Records Law and that such agencies will be subject to "sunset" provisions.

Creates the Office of Financial Institutions as a separate state agency within the office of the governor and transfers the Louisiana Economic Development Council to the office of the governor. Transfers the Red River Development Council to the Department of Culture, Recreation and Tourism.

**HB 1274 by Pinac** (*Last Action - Act No. 7*)

Provides that \$2 million of the monies used for vendor's compensation shall be deposited in the Marketing Fund, instead of \$2,150,000. Deletes the provision dedicating monies to the Workforce Development and Training Fund and provides that all monies remaining after the deposit to the Marketing Fund shall be deposited in the Louisiana Economic Development Fund. Deletes the provisions providing a sunset date for the 1.1% rate of compensation paid to dealers for remitting sales and use taxes. Further deletes the sunset provisions relative to monies being deposited in the Marketing Fund and Louisiana Economic Development Fund.

## Commerce

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### **HB 273 by Pinac** *(Last Action - Act 6)*

Recreates the Department of Economic Development and provides for its termination if not re-created prior to July 1, 2006.

## **ELECTRIC UTILITIES**

### **HB 1621 by Baylor** *(Last Action - Sent to Governor)*

Requires the Louisiana Public Service Commission to adopt rules to ensure that all electric and gas utilities subject to its jurisdiction implement a program that allows impoverished and elderly customers to pre-enroll in a deferred billing program. Provides that the program will be utilized during energy emergencies which result from high energy costs, unusually inclement weather, or other similar circumstances. Prohibits a utility company from discontinuing utility service to a customer enrolled in a program as long as he continues to make the required payments.

### **HB 1650 by Hunter** *(Last Action - House Committee)*

Requires the Louisiana Public Service Commission to adopt rules to ensure that all electric and gas utilities implement a deferred billing and a levelized billing program for certain impoverished and elderly customers. Prohibits discontinuance of service as long as the customer continues to make his required payments. Requires the utility to give at least five days notice prior to discontinuance. Allows the commission to award damages to a complainant for violations.

### **HB 1752 by Faucheux** *(Last Action - House Committee)*

Creates the office of energy advocate counsel in the attorney general's office. Provides that such office shall provide consumer representation before the Louisiana Public Service Commission and provide consumer input in the commission's rulemaking process. Provides for funding for the office through an assessment of a fee on every rate increase approved by the commission.

### **HB 1947 by Faucheux** *(Last Action - House Committee)*

Repeals the provisions prohibiting electric public utilities from furnishing electric service to any point of connection in the state. Provides that if the Federal Energy Regulatory Commission fails to prohibit an electric public utility from utilizing the transmission lines, then any electric utility company may do so and pay for such use.

**HR 106 by Faucheux** *(Last Action - House Committee)*

Urges and requests the Louisiana Public Service Commission to adopt rules to encourage the state's utility industry to build new generating plants and co-generation and merchant power plants, to upgrade the transmission grid, and to encourage transmission companies to absorb portions of the expense of transmitting power.

**HR 107 by Faucheux** *(Last Action - Enrolled)*

Urges and requests the Louisiana Department of Economic Development to develop strategies, including the establishment of incentives, to encourage the merchant power development industry in this state to build new generating plants and to upgrade the transmission grid.

**HCR 53 by Durand** *(Last Action - Enrolled)*

Urges and requests the Louisiana Public Service Commission to seek answers and explanations as to why energy costs have risen to such astronomical levels and to report its findings to the legislature prior to the 2002 Regular Session.

**HCR 140 by M. Jackson** *(Last Action - Enrolled)*

Memorializes the United States Congress to increase and provide for advanced funding for the federal Weatherization Assistance Program for Low-Income Persons and the Low-Income Home Energy Assistance Program.

**SB 1106 by Thomas** *(Last Action - Sent to Governor)*

Requires all new or expanded electric generation facilities that commence operation after January 1, 2003, and use groundwater in the process of producing electricity for sale, to provide notice at least 180 days prior to operation to the secretary of the Department of Economic Development, the executive director of the Louisiana Public Service Commission, and the Groundwater Management Commission of the expected date for commencing operation. If more than 25% of such facility's power sales are made to out-of-state purchasers, then the facility must provide semi-annual notification.

**SCR 96 by Ullo** *(Last Action - Enrolled)*

Urges and requests Entergy to proceed with its pre-merger plans to expand construction to help alleviate electric power production shortfalls and address transmission problems in the state.

## Commerce

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### **SCR 97 by Ullo** *(Last Action - Enrolled)*

Urges and requests Entergy to develop mechanisms to assist residential and commercial customers in reducing energy use through increased energy efficiency and to assist low income households in reducing their energy costs by providing direct billing assistance during periods of excessive energy peaks.

### **MOTOR VEHICLE REPOSSESSION**

#### **HB 1924 by Pinac** *(Last Action - Sent to Governor)*

Revises the procedures for repossession of motor vehicles under the Louisiana Motor Vehicle Sales Finance Act. Authorizes a creditor to seize and dispose of a motor vehicle following a default by the debtor, without previous citation and judgement, after service upon the debtor of a petition to obtain possession. Provides for an immediate issuance to the creditor of an order to obtain possession, and provides for graduated fees paid by the creditor to the sheriff for executing the order based upon the time period that lapses between the issuance of the order and the actual seizure. Provides that the clerk shall collect only those fees due to the sheriff and the clerk's office for any filing made pursuant to a repossession proceeding.

### **RIVER PILOTS**

#### **HB 1757 by Johns** *(Last Action - House Committee)*

Enacts the Louisiana Marine Pilots Law. Regulates river pilotage services in Louisiana. Creates the Board of Marine Pilots, composed of five members appointed by the governor and subject to confirmation by the Senate. Requires licensure by the board of qualified applicants who apply to and pass an examination given by the board. Authorizes the board to establish fees and tariffs and to set pilot compensation. Requires pilot organizations to maintain books and records and file an annual audit with the board. Repeals all current provisions of the law regulating river pilots.

### **TELEPHONES**

#### **HB 175 by Iles** *(Last Action - Act No. 40)*

Allows residential telephone subscribers who do not wish to receive telephone solicitations to request to be placed on a "do not call" listing administered by the Louisiana Public Service Commission. Assesses a \$5 fee to be placed on the listing, which must be renewed every five years. Requires telephone solicitors doing business in Louisiana to obtain a copy of the listing by paying a fee to cover the costs of producing the listing. Further requires the solicitors to register with the commission, pay a registration fee, and maintain a \$20,000

bond. Provides for fines for most violations in the amount of \$1500 per violation and \$3000 per violation made against persons over 65 years of age.

**SB 384 by C. Fields** (*Last Action - House Committee*)

Limits the use of automatic dialing machines and telephone solicitations to the hours of 8AM to 8PM, Monday through Friday, or between the hours of 10AM and 8PM on Saturday. Limits the times in which calls can be made for conducting polls or soliciting information. Requires telephone solicitors to immediately state their name and business, ask whether the person consents to the solicitation, and add any person who so requests to the list of persons that do not wish to receive further solicitations from that business.

Requires each local exchange company to establish and operate a data base of residential telephone subscribers who object to receiving telephone solicitations. Allows residential subscribers to contact their telephone companies to be placed on the listing.

**HB 2075 by Welch** (*Last Action - Senate Committee*)

Beginning February 15, 2002, requires wireless telephone service sold as "prepaid" for specific time increments to have a fixed expiration date of no less than 90 days. Requires that each customer be issued a card stating the expiration date.



# EDUCATION

## EARLY CHILDHOOD EDUCATION

### **SB 776 by B. Jones** *(Last Action – Sent to Governor)*

Provides for early childhood development and care classes called ECDs for four-year old children in every public school system that seeks to participate and agrees to make available to every four-year old within its jurisdiction, access to such classes. Requires that such classes consist of not less than 10 hours per day for each day of regular school attendance in the participating system. Requires that content meet standards to be set by the State Board of Elementary and Secondary Education (BESE). Requires that ECD classes be provided at no cost to the child or his family for any child who is eligible to receive free or reduced price meals. Permits any other eligible child to be charged tuition for all or part of the ECD class.

Requires the state Department of Education to allocate to participating systems, out of funds appropriated for such purpose, an amount of money based upon the per pupil amount multiplied by the estimated number of ECD students for the year who will be eligible to receive free or reduced price meals. Provides for such funding to be allocated among participating school systems based on estimated participation. Further requires the department to provide, out of funds appropriated for such purpose, technical assistance and compliance monitoring, central administration and accountability, and a long term study of the effects of the program.

Provides, to the extent that funding is available for such purpose, for a one-time payment of up to \$5,000 per ECD classroom to be established to be used solely for the provision of developmentally appropriate materials, equipment, and supplies.

Provides that when available funding is insufficient to fund all eligible applicants, the department shall calculate an approximate percentage of the total number of children eligible for funding across the state that could be funded with the money available, then set aside sufficient funding for each election district to fund that percentage of such children in each such district. Provides for the distribution of such funding to applicants on a first-come, first-served basis within each BESE election district.

## MINIMUM FOUNDATION PROGRAM (MFP)

### **SCR 139 by Theunissen** *(Last Action – Enrolled)*

Provides \$2.4 billion for k-12 public schools for FY 2001-2002, an increase of \$154.3 million over the amount appropriated for this purpose for FY 2000-2001 and provides for a uniform pay raise of \$2,060 for full-time certificated personnel.

Also:

## Education

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- (1) Increases the per pupil amount from \$3,103 to \$3,188.
- (2) Retains definitions and weighted-funding calculations for at-risk students, special education students, and gifted and talented students and for economies of scale. Retains the weighted-funding calculation for secondary vocational education units but revises the definition.
- (3) Retains provisions for annual adjustments in the per pupil amount.
- (4) Eliminates any "hold harmless" distinction in Level 1 and Level 2 funding for all school systems. Separates for FY 2001-2002 the "over funded" allocations for 11 specified school districts and sets limits on such amounts.

Relative to salary increases:

- (1) Defines the personnel to receive the salary adjustment by state Dept. of Education function and object codes. Includes teachers, therapists/specialists/counselors, school site-based principals, assistant principals, and other school administrators, central office certificated administrators, school nurses, and "sabbaticals".
- (2) Specifies that the money is to be spent solely on enhancements in salary for every certified administrator, every teacher or other certified personnel who directly interacts with students in either regular or special education programs and who is assigned the professional activities of instructing pupils in courses in a classroom situation for which daily attendance figures are kept or who is responsible for teaching or advising pupils with regard to their abilities and aptitudes, educational and occupational opportunities, or personal and social adjustment, and every school nurse in any city or parish school system.
- (3) Specifies that for FY 2002-2003, 2003-2004, and 2004-2005, if the formula adopted by SCR No. 139 is still in effect and no other provision for an annual increase in certificated pay has been provided, 50% of the future increases in Level 1 and Level 2 funding shall be used for supplements and enhancements of full-time certificated staff salaries and retirement benefits.

Provides for a uniform pay raise of \$2,060 for full-time certificated personnel, including teachers, therapists/specialists/counselors, school site-based principals, assistant principals, and other school administrators, central office certificated administrators, and school nurses.

Retains a required expenditure for instruction of 70% of all local school system general fund expenditures and retains the definition of such instructional expense.

See summary of **HB 507 by Daniel** under Appropriations section relative to authorized adjustment to MFP.

### SCHOOL EMPLOYEES/SALARIES

#### **SB 114 by Theunissen** *(Last Action: Act No. 312)*

Provides that any school administrator who holds both a valid Louisiana regular teaching certificate approved by the State Board of Elementary and Secondary Education (BESE) and a valid certificate issued by the National Board for Professional Teaching Standards (NBPTS) which was earned while teaching and who is employed by a school board shall receive, in addition to his annual salary, an annual amount of not less than \$5,000. Funds are to be reimbursed by the state Department of Education to the school board, subject to appropriation of funds for the purpose. Provides that in order for an otherwise eligible person to receive the salary adjustment, such person shall have been awarded the initial certificate issued by the NBPTS prior to July 1, 2007. The bill also extends the date for teachers to receive the certificate for purposes of such an adjustment (as in HB192 below).

#### **HB 192 by Crane** *(Last Action: Act No. 42)*

Relative to salary adjustments for certain public school teachers holding certification issued by the National Board for Professional Teaching Standards (NBPTS), provides that in order for an otherwise eligible person to receive the salary adjustment, such person shall have been awarded the initial certificate issued by the NBPTS prior to July 1, 2007, instead of July 1, 2002.

#### **SB 247 by Schedler** *(Last Action: Sent to Governor)*

Provides that any full-time school counselor who holds both a valid Louisiana counseling credential approved and issued by the State Board of Elementary and Secondary Education (BESE) and a National Certified School Counselor (NCSC) credential issued by the National Board for Certified Counselors (NBCC) and who is employed by a school board to provide services to students shall receive, in addition to annual salary, an annual amount of \$5,000. Funds are to be reimbursed by the state Department of Education to the school board, subject to appropriation of funds for the purpose. Specifies that to receive the salary supplement, a school counselor shall have been awarded the initial credential issued by the NBCC prior to July 1, 2007.

#### **HB 1447 by Crowe** *(Last Action – Sent to Governor)*

Repeals provisions that would have required teachers to work an additional three days for staff development when state funds were appropriated for certain teacher salary increases.

See summary of **HB 1 by LeBlanc** under Appropriations section for more information relative to pay raises for teachers.

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See summary of **HB 1870 by LeBlanc** under Appropriations section for more information relative to a salary supplement for school support personnel.

## **TEACHER SHORTAGE PROGRAM**

### **HB 651 by Futrell** (*Last Action – Act No. 125*)

Creates the Critical Teacher Shortage Incentive Program to provide certain newly certified teachers \$3,000 per year for the first four consecutive years of teaching if they agree to teach in one of the following critical shortage areas: mathematics, biology, chemistry, physics, or special education. Provides for program administration and implementation by the State Board of Elementary and Secondary Education (BESE) and requires the board to report annually to the House and Senate education committees on such implementation. Specifies that implementation of the program shall be subject to the appropriation of funds for such purpose.

## **SCHOOL SUPERINTENDENTS**

### **HB 510 by Crane** (*Last Action – Senate Committee*)

Constitutional amendment to provide that local school boards, instead of BESE, shall fix the qualifications and prescribe the duties of the parish superintendent. Requires that upon being employed as the system superintendent, a superintendent must reside within the boundaries of the employing school system.

Also provides relative to the hiring, firing, and duties of a local school system superintendent, including specifying that the superintendent is responsible for all administrative affairs and day-to-day activities of the system. Provides for participation by a school board and its members in such administrative affairs through the superintendent in accordance with written board policies and procedures. Specifies that in all administrative matters concerning school or system business (other than formal inquiries and investigations) the board and its members shall communicate and work directly with the superintendent and his immediate staff and shall communicate and work directly with system officers and employees subject to the direction and supervision of the superintendent solely through the superintendent.

### **HB 305 by Flavin** (*Last Action – Senate Committee*)

### **HB 304 by Flavin** (*Last Action – Senate Committee*)

Constitutional amendment and companion statutory bill to provide that each parish school board, instead of BESE, shall fix the qualifications and prescribe the duties of the parish superintendent.

### SCHOOLS/INSTRUCTIONAL DAYS

#### **HB 458 by Crane** *(Last Action – Sent to Governor)*

Relative to school schedules and minimum work days and instructional days, increases the minimum number of instructional days from 175 to 177.

### STUDENTS/SCHOOL ATTENDANCE

#### **HB 19 by Thompson** *(Last Action – Sent to Governor)*

Requires, with certain exceptions, persons having control of a child to send such child to school from the child's 7th birthday until his 18th birthday rather than his 17th birthday. Provides that a child between the ages of 17 and 18 may withdraw from school prior to graduation with the written consent of his parent, tutor, or legal guardian. Provides that the student be allowed to attend an alternative education or vocational-technical education program, upon request of the parent, tutor, or legal guardian of a student over age 17 and with the approval of the school system superintendent. Makes the mandatory attendance provisions inapplicable to a child under age 17 who attends or is seeking admission to a National Guard Youth Challenge Program.

### NEW K-12 SCHOOL SYSTEMS

#### **HB 1839 by Kennard** *(Last Action – Failed to Pass/House) (Duplicate of SB 1014 by Fontenot, et al.)*

Creates and provides for the Central Community School Board and school system in East Baton Rouge Parish.

#### **HB 327 by Kennard** *(Last Action – Failed to Pass/House) (Duplicate of SB 172 by Fontenot, et al.)*

Constitutional amendment to grant the Central community school system in East Baton Rouge Parish the same authority granted parishes for certain school finance purposes, including purposes related to the minimum foundation program, funding for certain school books and instructional materials, and the raising of certain local revenues for the support of elementary and secondary schools.

#### **SB 162 by Fontenot** *(Last Action – Failed to Pass/Senate)*

Constitutional amendment to recognize certain city, parish, and other local public school systems and to require the legislature to provide by law for the means by which to establish additional school systems

# Education

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## **SB 256 by Fontenot** *(Last Action – Withdrawn/Senate)*

Provides a general method by which additional public school systems can be established without enactment by the legislature of separate statutory and constitutional provisions for each.

## **CHARTER SCHOOLS**

## **HB 1282 by Crane** *(Last Action – Sent to Governor)*

Makes various changes to the charter school law relative to the chartering process, approval time lines, procedures for application and budget submission, funding adjustments and allocations, litigation costs, pupil counts, and exemptions. Includes in such changes that: (1) each application for a Type 1, 2, and 3 charter school shall be submitted to the pertinent chartering authority by a nonprofit corporation established in accordance with state laws; (2) each charter school shall be liable for all court costs, attorney fees, and expenses if litigation is necessary to recover public funds paid to the school; (3) the State Board of Elementary and Secondary Education (BESE) may provide annually for a Feb. 15th pupil membership count to reflect changes in pupil enrollment among Type 2 schools that may occur after Oct. 1st of each year; (4) BESE may provide a lesser per pupil amount to a Type 2 school than that required by law if the school's initial charter proposal contains a request for a lesser amount; and (5) every pupil enrolled in a charter school shall be counted in the school's total pupil count for purposes of funding including those pursuing a high school diploma or participating in a pre-general education development skills program; however, no child enrolled in a prekindergarten program offered by a charter school shall be counted for purposes of funding unless such funding is specifically provided for such purpose.

## **HB 796 by Wooton** *(Last Action – Sent to Governor)*

Exempts from charter school enrollment requirements that a charter school enroll not less than 85% of the average percentage of pupils enrolled in the local public school district from which the charter school enrolls its pupils who are eligible for the federal free or reduced cost lunch programs, any charter school that is established with the educational mission of meeting the needs of dependent children of military personnel provided the following conditions are met: (1) the school predominantly enrolls dependent children of military personnel; (2) all such children who seek admission to the school and who are at risk are admitted; and (3) the charter school complies with the requirements relative to the enrollment of at-risk pupils in general (based upon only the general population pupils admitted) in enrolling pupils from the general population who are not dependent children of military personnel.

### STUDENT LOANS

**SB 620 by Hainkel** *(Last Action – House Committee) (Duplicate of HB 1560 by Bruneau)*

Authorizes the La. Tuition Trust Authority to initiate and service student loans and to issue revenue bonds to do so.

### TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

**SB 438 by Dardenne** *(Last Action – Sent to Governor)*

Relative to TOPS-Tech, Opportunity, Performance, and Honors awards, provides that the permitted skill or occupational training shall be defined by the Board of Regents.

Relative to the TOPS-Tech award, permits, through the 2001-2002 school year, students to qualify by meeting the current TOPS-Tech high school core curriculum requirements or by meeting the core curriculum requirements specified for Opportunity, Performance, and Honors awards. Thereafter, permits students to qualify by meeting a revised TOPS-Tech core curriculum requirement or by meeting the core curriculum requirements specified for Opportunity, Performance, and Honors awards.

Beginning with students graduating from high school during the 2000-2001 school year, permits students receiving a TOPS-Tech Award to attend any eligible college or university as currently defined by law and creates two categories of eligible institutions for purposes of determining TOPS-Tech award amounts.

**HB 1945 by Martiny** *(Last Action – Sent to Governor)*

Effective with the 2001-2002 award year and thereafter, permits an otherwise qualified high school student who completes 10 or more honors courses at a high school that awards grades for honors courses on a 5.0 scale, has an adjusted minimum cumulative grade point average of 3.00 on a 4.00 scale, and an ACT composite score of at least 24 (or an equivalent SAT score) to qualify for a TOPS Performance Award under specified circumstances. Provides, however, that beginning with the 2003-2004 school year or thereafter, no student shall receive an initial award pursuant to this authority. Permits continuation of awards made pursuant to this authority prior to the 2003-2004 school year if the student remains otherwise eligible.

**HB 818 by Crane** *(Last Action – Sent to Governor)*

Extends the time period from the 1999-2000 school year through the 2002-2003 school year in which an otherwise eligible TOPS applicant may be granted a waiver from meeting the requirements for successful completion of the specified core curriculum due to the course or courses not being available at the school attended.

# Education

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## **HB 1800 by Crowe** *(Last Action – Sent to Governor)*

Provides eligibility beginning with the 2000-2001 school year and thereafter for TOPS-Tech and Opportunity awards for certain students who graduate from high schools or complete BESE-approved home study programs outside the U.S. and its territories and who have a parent or court-ordered custodian who is living outside the U.S. and its territories, is actively engaged in work or another activity on behalf of a La. employer or sponsor, and is not on active duty with the U.S. armed forces. Requires that the student have a composite ACT score (or equivalent SAT score) at least three points higher than required for a student graduating from a La. public high school and meet certain other general TOPS eligibility requirements.

## **HB 389 by Scalise** *(Last Action – Sent to Governor)*

Prohibits a TOPS award recipient from being restricted or otherwise delayed relative to the date that the award may be first used due to the student having graduated from high school in less than four years.

## **HB 2012 by Daniel** *(Last Action – Sent to Governor)*

Requires the Board of Regents to formulate, develop, establish, and implement a uniform information system relative to TOPS for the purposes of policy analysis and program evaluation and for providing accurate data and statistics to the legislature, the governor and appropriate executive branch agencies, and the public relative to the program's impact on the state and on students. Also provides that BESE shall require that the governing authority of every public secondary school include as a component of a student's Five Year Educational Plan comprehensive information relative to TOPS and program eligibility requirements for each of the awards.

## **SCR 116 by Dardenne** *(Last Action – Enrolled)*

Establishes a study group to be convened by the La. Workforce Commission to review the use by students of and the eligibility requirements for the TOPS-Tech Award and to offer recommendations to the legislature for its redesign to ensure that the award is made available to those students who have meritoriously achieved in high school and who desire to pursue postsecondary education in a vocational or technical training curriculum. Provides for a report of findings and recommendations to the Senate and House education committees no later than March 1, 2002.

## **SCR 131 by W. Fields** *(Last Action – Enrolled)*

Requests the Senate and House education committees to review all aspects and issues regarding the value, use, eligibility for, cost of, and funding for TOPS, including the TOPS-Tech award and the TOPS Teacher award, and to offer recommendations to the legislature

for any changes that the committees, functioning as a joint committee, determine are necessary relative to certain specified issues.

**HB 1901 by McDonald** *(Last Action – Vote on Conference Committee Report Pending/House)*

Provides relative to initial and continuing eligibility of students and for program administration. Provisions include: revising certain residency and citizenship requirements, providing exceptions to residency requirements under limited circumstances, providing relative to certain test dates, providing relative to the accreditation of out-of-state high schools, providing relative to a student who initially qualifies for more than one program award, and reducing the time period in which a student can regain program eligibility when lost due to academic performance.

**HB 410 by K. Carter** *(Last Action – Senate Calendar)*

Permits a student receiving a high school equivalency diploma issued by the La. Dept. of Education on or after July 1, 2000, to be eligible for a TOPS-Tech or Opportunity award based on the student having a composite ACT score (or equivalent SAT score) at least three points higher than required for a student graduating from a La. public high school if the student, prior to his 21st birthday, last attended a La. public or BESE-approved nonpublic high school for two years, left school for an exceptional circumstance, is certified by the principal or headmaster to have been in good standing and to have had a grade point average of at least 2.5 on a 4.0 scale prior to leaving school, and meets certain other general TOPS eligibility requirements.

Also establishes an Associate Award beginning with students graduating from Louisiana public high schools and certain BESE-approved nonpublic high schools during the 2001-2002 school year. Specifies that the initial and continuing eligibility requirements for an Associate Award shall be the same as for the Opportunity Award except that the student must have a composite ACT score (or equivalent SAT score) of at least 18 but lower than that required for the Opportunity Award. Limits students receiving an Associate Award to enrolling at eligible colleges and universities that do not offer academic degrees at the baccalaureate level or higher. Also limits TOPS program eligibility for such students to no more than four semesters (or an equivalent time period at an institution not on the semester system). Permits such students to pursue an academic undergraduate degree at the associate degree level or certain skill or occupational training.

**HB 815 by K. Carter** *(Last Action – Senate Committee)*

Establishes an Associate Award in a manner similar to HB No. 410, as amended.

## Education

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### **HB 391 by Townsend** *(Last Action – Senate Committee)*

Permits graduates of La. nonpublic high schools not BESE-approved to be TOPS eligible, changes requirements for La. BESE-approved nonpublic high school graduates to be TOPS eligible, and provides for first use of TOPS by students who graduate early from high school.

### **LSU AT ALEXANDRIA**

### **SB 853 by McPherson** *(Last Action – Act No. 402)*

Recognizes and defines Louisiana State University at Alexandria (LSU-A) as an institution offering baccalaureate degrees. Provides that LSU-A is an institution within the LSU system and under the supervision and management of the LSU Board of Supervisors as provided by law. Requires the LSU Board of Supervisors and the Board of Regents to provide for implementation accordingly.

### **HB 325 by Riddle** *(Last Action – House Committee)*

### **HB 1508 by Riddle** *(Last Action – House Committee)*

Also provides relative to the conversion of LSU-A to a four-year institution.

## **POSTSECONDARY EDUCATION/TUITION**

### **HB 2007 by Alario** *(Last Action – Enrolled)*

Authorizes each public postsecondary education management board to establish tuition and mandatory attendance fee amounts applicable to students who are La. residents and, effective January 1, 2002, to adjust such amounts not to exceed a rate of increase of three percent annually, subject to the approval of the Joint Legislative Committee on the Budget. Provides that this authority shall terminate July 1, 2005. Also authorizes, subject to the approval of the Joint Legislative Budget Committee, the Southern University management board to impose a program fee not to exceed \$200 per student per semester for students at Southern University at Shreveport pursuing the clinical portion of their studies in allied health programs.

## **POSTSECONDARY EDUCATION/LEARNING CENTERS**

### **SB 829 by Theunissen** *(Last Action – Enrolled)*

Authorizes the Bd. of Regents to establish learning centers to develop and use consortia of existing institutions of postsecondary education to provide comprehensive offerings of college courses and programs in areas of the state not adequately provided with postsecondary education services. Requires Regents to provide for the operation, management, and supervision of the learning centers and ensure the cost effective delivery

of courses and programs through the use of existing institutions and their offerings. Permits Regents to assign responsibility for management and supervision of a learning center to a management board, an individual institution, or a combination of institutions through a memorandum of understanding, agreement, or contract between the appropriate entities.

### **POSTSECONDARY FACULTY/SALARIES**

See summary of **HB 1 by LeBlanc** under Appropriations section.



# ENVIRONMENT

## **SB 965 by Hoyt** (Last Action-Act No. 446)

Establishes the Ground Water Management Commission, consisting of 15 members, to regulate the withdrawal of groundwater from "critical areas". Also, requires that all water wells be registered to allow the commission to gather sufficient data on the health of the aquifers for its permitting process. The commission shall promulgate rules to preserve and manage the ground water in critical areas, including limitations on withdrawal and restrictions on spacing and depth.

Local input is encouraged in an advisory capacity and any decisions having local impact may only be made with the advice and consultation of local or regional bodies. Groundwater for public consumption is the highest priority, with all other uses having lesser priority. The commission shall cease to exist on July 1, 2003.

In order to develop a long term comprehensive groundwater management system, SB 956 establishes a Ground Water Management Advisory Task Force, consisting of forty nine members. The Task Force, the Commission, the commissioner of conservation, and any designated local advisory entities shall develop and present such comprehensive plan to the Environment and Natural Resources committees of the legislature. This long term plan will include an evaluation of the ground water resources, present and future demands, data necessary for management, alternatives to ground water use, identification of critical areas, incentives for conservation, and designation of the appropriate state entity structure to manage and protect the state's water resources.

This comprehensive plan will be presented to the legislative oversight committees for review prior to January 3, 2003, and introduced for legislative consideration during the 2003 Regular Session of the Legislature.

## **HB 2046 by Damico** (Last Action-Sent to Governor)

This legislation provides that the interest from the Motor Fuels Underground Storage Tank Trust Fund shall be used for the closure, assessment and remediation of abandoned underground storage tanks (UST's). When the state spends such money from the Trust Fund for the cleanup of UST's, it shall have a lien on the property for the increase in value resulting from such cleanup.

A site may declared an abandoned UST by the secretary if:

- a. It has received motor fuels;
- b. The UST has not been closed, assessed or remediated as required by law;
- c. It does or may constitute a danger or potential danger to public health or the environment;

## Environment

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- d. No financially responsible owner or operator can be located, or such person has failed to undertake required action; and
- e. The release at the site is not eligible for the Tank Trust Fund.

### **HB 1861 by Damico** (Last Action - House Committee)

If passed, this bill would have allowed the Department of Environmental Quality to raise fees that are used to fund the department and its duties and activities by approximately 33% over a two year period.

### **HCR 203 by Damico, et al.** (Last Action - Enrolled)

This HCR results from approximately 12 pieces of legislation dealing with various litter issues in the state, including penalties, court jurisdiction, remedial actions, and responsibilities for enforcement. This legislation requests the House Environment Committee and the Senate Committee on Environmental Quality to study the current status, enforcement, and effectiveness of the state's litter laws.

# HEALTH AND WELFARE

## ABORTION

**HB 949 by R. Alexander** (*Last Action – Act No. 391*)

**HB 1541 by Perkins** (*Last Action – House Committee*)

**HB 1624 by R. Carter** (*Last Action – House Committee*)

Enacts the Outpatient Abortion Facility Licensing Law, which provides for the annual licensure of outpatient abortion clinics. This law is similar to a South Carolina statute for licensing outpatient abortion clinics which has already withstood a federal court challenge, with the U.S. Supreme Court refusing to hear the appeal.

**HB 1909 by Donelon** (*Last Action – Enrolled*)

Enacts the Born-Alive Infant Protection Act, which provides for regulation of late term abortion, including presence of a second attending physician and requirement of an ultrasound. The Act also adds drugs to the methods by which abortion may be performed.

## CHILDREN

**HB 889 by Winston** (*Last Action – Sent to Governor*)

Requires the state to provide in any subsidy agreement for all future acutely medically necessary in-hospital mental health treatment for the adoption of a foster child.

**HB 921 by M. Jackson** (*Last Action – Sent to Governor*)

Creates the Children's Product Safety Act which prohibits the sale of unsafe children's products. Requires the attorney general's consumer protection section to maintain a comprehensive listing of unsafe children's products and distribute it to various entities quarterly. Prohibits child care facilities from using or having any unsafe children's products on the premises.

**HB 947 by Broome** (*Last Action – Sent to Governor*)

Expands the Grandparent Subsidy Program to include other kinship caregivers who have the children in their care, where the caregiver has or obtains legal custody or guardianship of the minor child within one year of enrolling in the program.

# Health and Welfare

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## CHILDREN/SUPPORT

### **HB 980 by Triche** (*Last Action – Sent to Governor*)

Authorizes the suspension of any license or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business, or industry, to operate a motor vehicle, or to participate in any sporting activity, including hunting and fishing.

## DISABLED PERSONS

### **SB 855 by Schedler** (*Last Action – Sent to Governor*)

Creates the Disability Services and Supports System Planning Group composed of representatives from certain groups, including adults with disabilities, individuals with developmental disabilities, and individuals with mental illness.

## DOMESTIC VIOLENCE

### **HB 1517 by Clarkson** (*Last Action – Sent to Governor*)

Provides that dating partners are eligible to receive all benefits, services, and assistance provided by the Protection from Family Violence Act, including petitioning for a restraining order without posting bond.

## ELDERLY

### **HB 310 by Montgomery** (*Last Action – Failed to Pass/House*)

### **HB 314 by Shaw** (*Last Action – House Committee*)

Would have eliminated the nursing home bed fee of \$10 per day per occupied bed by repeal or by a phase out over the next three years.

## EMERGENCY MEDICAL SERVICES

### **HB 1006 by R. Alexander** (*Last Action – Sent to Governor*)

Deletes requirement that DHH perform annual inspections for renewal of licenses for ambulance providers and air ambulance providers, instead requiring documents to be reviewed and inspections or verifications of documents and vehicles to be made as DHH deems appropriate.

### **HB 1838 by Schwegmann** (*Last Action – Act No. 385*)

Authorizes DHH to adopt rules and regulations to authorize all levels of emergency medical technicians (EMTs) to carry and administer epinephrine through auto-injectors.

### **HEALTH CARE**

### **HB 1896 by L. Jackson** (*Last Action – Sent to Governor*)

Requires DHH to develop programs for educating persons regarding hepatitis C, allows for voluntary testing for hepatitis C which includes confidential counseling, and requires programs for training counselors to work with persons in the voluntary testing program.

### **SB 229 by Schedler** (*Last Action – Act No. 1944*)

Establishes the Louisiana Birth Defects Surveillance System within DHH to collect, analyze, interpret, and disseminate data regarding birth defects in the state diagnosed before a child is three years old, to provide information to families of these children regarding available services, and to develop prevention programs

### **HEALTH CARE FACILITIES**

### **SCR 128 by Schedler** (*Last Action – Filed with Secretary of State*)

Creates a task force to study the current health care facility licensure process and criteria for licensure to determine if the public is being well served within the context of available financial resources. Requires a written report prior to the 2003 regular session.

### **HB 1734 by Ansardi** (*Last Action – Sent to Governor*)

Angels' Place, Inc., volunteers to give the primary caregivers of terminally ill children some rest. Angels' Place operates exclusively on donations. This law give state recognition to Angels' Place, Inc., to allow it to compete for federal funding.

### **HEALTH CARE PROFESSIONS**

### **HB 1843 by Dartez** (*Last Action – Sent to Governor*)

Provides for the licensure of marriage and family therapists by the Louisiana Licensed Professional Counselors Board of Examiners based on recommendations of the newly created Marriage and Family Therapy Advisory Committee. Defines the practice of marriage and family therapy and provides educational and experience requirements for licensure as a marriage and family therapist.

## Health and Welfare

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### **SB 25 by Hines** (*Last Action – Failed to Pass/House*)

Would have expanded the services for a physician assistant-certified (PA-C) to include prescribing and administering drugs and medical devices to the extent delegated by his supervising physician if he has practiced for a minimum of one year under a supervising physician, has been recommended by the physician assistants advisory committee to perform such services, and has received approval from the Louisiana State Board of Medical Examiners.

### **HB 1828 by Townsend** (*Last Action – Enrolled*)

Forbids a physician to delegate any medical tasks or duties related to selection, delivery, or administration of anesthesia to an anesthesiologist assistant or an anesthesia assistant.

## **MEDICAID -LACHIP**

### **SB 781 by Schedler** (*Last Action – Enrolled*)

Directs DHH to prepare and submit Medicaid waivers and state plan amendments that allow expansion of LaChip to include the following persons: parents of Medicaid or LACHIP eligible children when the family income is not greater than the Federal Poverty Level (\$17,650 for a family of four, \$14,630 for a family of three); and pregnant women with incomes between 185% and 200% of Federal Poverty Level. Enrollment of new shall not begin before receiving final approval from HCFA and approval of a financing plan and performance standards by the Joint Legislative Committee on the Budget. The enrolled General Appropriations Bill includes \$29,827,103 for this purpose, but requires DHH to generate the state matching funds from self-generated revenues.

## **MORATORIA**

### **SB 722 by Hainkel** (*Last Action – Sent to Governor*)

Declares a moratorium on the certification of any additional methadone maintenance clinics from July 1, 2001, until July 1, 2003. Requires DHH to determine the need for and the criteria for certification of methadone maintenance clinics.

### **HB 1008 by R. Alexander** (*Last Action – Sent to Governor*)

Extends the moratoria on long-term hospital facilities and beds, mental health clinics and centers, and home health agencies through July 1, 2006.

**HB 593 by R. Alexander** (*Last Action – House Committee*)

**SB 492 by Schedler** (*Last Action – Senate Committee*)

Places a moratorium on new hospitals until August 1, 2003, with exceptions for expansions, new construction already underway, and new licenses for existing facilities.

### **PRESCRIPTION DRUGS**

**SB 108 by Hines** (*Last Action – House Committee*)

**HB 2057 by Faucheux** (*Last Action – House Committee*)

Would have established the La. Seniors Pharmacy Assistance Law, requiring DHH to provide financial assistance for prescription drugs for certain low income seniors for maintenance drugs. The benefit would have been limited to \$1,200 per senior per year with a copay of up to 30% of the cost of the prescription.

**SB 502 by Schedler** (*Last Action – Act No. 395*) (*Duplicate of HB 1596 by Landrieu*)

Removes the Medicaid "open formulary." Authorizes DHH to implement cost containment measures in the Medicaid pharmacy program including the use of a formulary with a prior approval process or any other process that is cost-effective in the Medicaid program. Establishes a Pharmaceutical and Therapeutics Committee.

**HB 865 by Johns** (*Last Action – Sent to Governor*)

Laws governing pharmacists and pharmacy practice were overhauled in the 1999 Regular Session. One change provided grounds for sanctions against a pharmacist who substitutes for a name brand drug in contravention of the practitioner's order. This law allows drug substitution unless a practitioner or authorized prescriber specifies that the pharmacist use the name brand. The law also provides for inclusion of information on written prescription drug orders.

**SB 880 by McPherson** (*Last Action – Sent to Governor*)

Provides for selection of equivalent drugs when filling prescriptions and for the returning, exchanging, or re-dispensing of drugs dispensed on prescription in certain circumstances. Includes provisions of HB 865 and provides guidelines for "recycling" drugs.

### **PRESCRIPTIVE AUTHORITY**

**SB 25 by Hines** (*Last Action – Failed to Pass/House*)

Would have authorized physician assistants-certified (PA-C's) to prescribe and administer certain drugs and medical devices under certain conditions.

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### **HB 414 by Durand** (*Last Action – House Committee*)

Would have authorized specially trained psychologists to prescribe and to distribute, without charge, certain drugs and other related procedures within the scope of practice of psychology.

### **SB 361 by Hines** (*Last Action – Failed to Pass/House*)

Would have expanded optometrists' prescriptive authority in the treatment of the eye or its lids, lashes, and tear ducts, to include the prescription of certain narcotics, but only for a maximum of 48 hours.

## **SMOKING**

### **HB 1073 by Downer** (*Last Action – House Calendar*)

### **HB 1192 by Durand** (*Last Action – House Committee*)

Would have permitted state agencies and political subdivisions to impose ordinances or regulations related to smoking in public places which are more restrictive or stringent than state law.

### **HB 652 by Hudson** (*Last Action – Sent to Governor*)

Expands the current prohibition against smoking in "enclosed areas" of a hospital by providing for penalties for those who smoke in areas not designated as smoking areas.

## **WELFARE REFORM**

### **HB 1732 by LeBlanc** (*Last Action – Enrolled*)

The Select Committee on Fiscal Affairs heard testimony and saw a presentation for the National Council of State Legislatures regarding the state's unspent TANF funds. A Spending Plan was made a part of HB 1 of the 2001 Regular Session, with the requirement that DSS return to the Joint Committee on the Budget with a plan for implementation of this spending. This law allows TANF funds to be deposited in Individual Development Accounts and allows DSS to promulgate emergency rules to implement the appropriations of TANF funds in HB 1 of the 2001 Regular Session.

## **WOMEN'S HEALTH**

### **HB 2000 by Clarkson** (*Last Action – Enrolled*)

Creates the Access to Mammography Act which: (1) allows for screening mammograms to be given without a prescription of a licensed practitioner, (2) provides for notification to the patient and her named physician of the results, (3) limits the liability of the person

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## Health and Welfare

performing the screening mammogram or the physician assessing it, and (4) provides that no Louisiana insurance policy shall prevent this direct access to mammograms.

**HB 377 by Iles** (*Last Action – Sent to Governor*)

Establishes a mother's right to breastfeed her baby as a protected individual human right. Specifies that breastfeeding is not a violation of any of the provisions of law, including obscenity laws.

**HCR 113 by Iles** (*Last Action – Filed with Secretary of State*)

Urges and requests the office of public health to promote breastfeeding in its public health clinics and to the public, to set Healthy People 2010 objectives relative to increasing the percentage of mothers who breastfeed in the early postpartum period and in the first six months of their babies' lives, and to employ a board-certified lactation specialist for consultation on these subjects.



# HOUSE AND GOVERNMENTAL AFFAIRS

## CAMPAIGN FINANCE

### **HB 268 by Lancaster**      *(Last Action - Enrolled, sent to the Governor)*

Repeals the automatic increase in the aggregate PAC limit for district office candidates and increases the aggregate PAC limits for all three levels of offices as follows: Major Office: \$50,000 to \$80,000; District Office: \$49,255 to \$60,000; Other Office: \$10,000 to \$20,000.

### **HB 371 by Green**      *(Last Action - Act No. 340 - Signed by the Governor, effective June 8, 2001)*

Prohibits a candidate from using donated campaign funds to pay campaign finance fees, fines, and penalties assessed against him by the supervisory committee. (See HB 2056, which changes the language of R.S. 18:1505.2(O) which was enacted by Act No. 340)

### **HB 1935 by Lancaster**      *(Last Action - Enrolled, sent to the Governor)*

Allows for PAC's to opt to file monthly reports, rather than file the various reports which are triggered by participation in various elections. A PAC wishing to opt for the monthly filing schedule must notify the supervisory committee, in writing, 45 days before the next regular report is due. PAC's would still have to file certain 48 hour special reports. Monthly reports are required by the 10th of next month after a contribution is received or an expenditure is made. (Provisions of the Act do not apply to a candidate's political committees.)

### **HB 2056 by Scalise and Landrieu**      *(Last Action - Enrolled, sent to the Governor)*

Prohibits a candidate from making expenditures of campaign funds if he has an outstanding unpaid campaign finance fee, fine, or penalty against which all appeal delays have lapsed. Also, allows the supervisory committee on campaign finance to obtain a forfeiture of the portion of an elected official's salary that would be subject to garnishment if the elected official has an outstanding unpaid campaign finance fee, fine, or penalty against which all appeal delays have lapsed, without having to go through normal garnishment proceedings. Finally, changes the language of R.S. 18:1505.2(O), which was enacted by Act No. 340, to provide, in lieu of an outright prohibition against using campaign funds to pay a campaign finance fee, fine, or penalty that the supervisory committee may impose such a prohibition after a finding that the violation was "intentional" or "egregious".

# House and Governmental Affairs

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## ELECTIONS

### **HB 16 by Bruneau** *(Last Action - Act No. 21, signed by Governor)*

Provides that a recall petition, during the collection of signatures, is a public record, with the recall chairman as the custodian thereof, and is subject to the public records laws, including public inspection.

### **HB 24 by Strain** *(Last Action - Enrolled, sent to the Governor)*

Prohibits misrepresentation that a person or organization speaks, writes, or acts on behalf of a candidate, political committee, or political party, and provides for attorney fees to a petitioner who is granted a permanent injunction against someone for violations of election laws.

### **HB 93 by Katz** *(Last Action - Returned to Calendar - Senate)*

Expands the absentee voting period by 2 days, requires the Registrar of Voters to remain open all day (8:30 am to 4:30 pm) Monday through Saturday during the absentee voting period, and repeals the special eligibility requirements for absentee voting so that any registered voter can vote absentee in person. Also reduces the poll hours on election day.

### **HB 1558 by Bruneau** *(Last Action - Enrolled, sent to the Governor)*

The Elections Omnibus Bill. The biannual general revision and update of the election code. Items of note include: updates the provisions with regard to voting machines to facilitate the acquisition and use of electronic / computerized voting machines; allows a registrar of voters to utilize local obituaries to help determine when voters should be removed from the rolls; removes requirement that the list of inactive voters be published prior to the presidential preference primary; makes the state central committees responsible for providing the slate of watchers for the presidential election; changes the procedure for notating the precinct register when a voter has voted absentee, prior to election day; provides procedures for when an application to vote absentee by mail is delivered by other than the mail and limits the address to where the absentee by mail ballot may be sent; exempts residents of a nursing home from the general prohibition against electioneering in a nursing home, but does not allow signs, etc. to be posted in common areas; adds supplying false information to an elections official to the elections offenses for which an elected official could be removed from office; and reduces the prior notice requirement for legislative fundraising during an extraordinary legislative session.

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## House and Governmental Affairs

**HB 1849 by Strain** *(Last Action - Returned to Calendar - Senate)*

**HB 286 by Strain** *(Last Action – House Committee)*

**SB 126 by Malone** *(Last Action – Senate Committee)*

Prohibits the release or broadcast to the public of results of exit polling prior to the close of the polls on election day. HB 286 by Strain and SB 126 by Malone prohibits exit polling of voters on election day within 600 feet of the polls.

### ETHICS

**HB 1796 by Fruge**

**SB 360 by Hainkel** *(Last Action - Act No. 340 - Signed by the Governor, effective June 8, 2001)*

Allows for a public servant, a company in which he owns a controlling interest, or a member of his immediate family to donate funds, services, or movable property to his agency. An ethics board opinion had held that a company owned by the mayor of a town could not donate services to the town.

### PUBLIC RECORDS

**HB 484 by Thompson** *(Last Action - Act No. 117, Signed by the Governor)*

Provides that photographs, video, or other visual images, in whatever form, of or relating to an autopsy conducted under the authority of the office of the coroner shall be confidential, are deemed not to be "public records", and shall not be released by the office of the coroner or any officer, employee, or agent thereof. Allows for release to a family member of the deceased, or his designee, the succession representative of the deceased's estate, or his designee, a law enforcement agency, for official use only, or as directed by a court order or subpoena. Does not prevent the mere inspection of the material.

**HB 1173 by Bruneau** *(Last Action - Enrolled, sent to the Governor)*

Provides that to be valid all public records exceptions must be in the public records laws, Chapter 1 of Title 44 or the Constitution. Creates a section in Chapter 1 or Title 44 listing all public records exceptions contained in various sections of law outside of Chapter 1 of Title 44.

### OPEN MEETINGS

**HB 15 by Bruneau** *(Last Action - Act No. 285, Signed by the Governor)*

Requires all public bodies, except school boards and the legislature, to allow public comment at open meetings. School boards are excepted from the provision but are subject to another

## House and Governmental Affairs

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provision which applies only to school boards and requires the opportunity for public comment before a vote is conducted on each agenda. The House and the Senate rules each require an opportunity for public comment at legislative committee meetings.

### **HB 212 by Hunter** *(Last Action - Failed on Final Passage - Senate)*

Allows certain interim committee meetings of the legislature to be conducted via video conference or teleconference. Provides for public participation. Includes certain limitations.

## **GOVERNMENT ORGANIZATION**

### **HB 18 by Bruneau** *(Last Action - Enrolled, Sent to the Governor)*

Effective upon the end of the term of the current commissioner of elections, or sooner if the office becomes vacant, provides for the Department of Elections and Registration to be merged into the Department of State. Provides that there will be no election in 2003 for commissioner of elections and that the next commissioner of elections be appointed by the secretary of state, subject to Senate confirmation. In the interim, the current secretary of state and the current commissioner of elections are required to jointly develop a transition plan, which is to be completed by January 1, 2002. After the merger, the secretary of state and all unclassified employees of the department of state, including the commissioner of elections, are prohibited from participating in political activities, as are current classified civil service employees. The secretary of state is allowed to participate in political activities with regard to his own campaign.

### **SB 974 by Ullo** *(Last Action - Enrolled, Sent to the Governor)*

Repeals over 20 boards, commissions, and other executive branch entities which are either no longer active or to which members were never appointed after their creation.

## **LEGISLATIVE SESSIONS**

### **SB 4 by Hines**

**Constitutional Amendment** *(Last Action - Enrolled, Sent to the Secretary of State to be placed on the November 5, 2002 ballot)*

Changes general legislative sessions from odd-numbered years to even-numbered years and fiscal sessions from even-numbered years to odd-numbered years. Provides for the consideration of not more than five prefiled bills per member which are not within the subject matter limitations during fiscal sessions. Provides that the legislature, during fiscal sessions, may consider legislation which levies, authorizes, increases, decreases, or repeals a fee or which dedicates revenue. Also allows consideration of local and special bills during a fiscal session. Extends the length of the fiscal sessions to 45 legislative days in a 60

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## House and Governmental Affairs

calendar day period. If the amendment is adopted by the voters, the amendment will take effect as of the 2004 regular legislative session.

### LEGISLATORS

#### **HB1817 by DeWitt, et al.** *(Last Action – Enrolled)*

This is the appropriation bill for legislative expenses. It includes provisions to provide for reimbursement of vouchered actual expenses of each member of the Senate up to \$8,400 per fiscal year, based on the accrual of \$700 per month in the fiscal year, for payment of office rent and utilities and for the operation of that office, travel expenses, and other expenses related to the holding or conduct of his office.

#### **SB1064 by Hainkel** *(Last Action – Conference Committee Appointment Pending)*

Provides for an \$8,400 annual expense allowance for Senators. Provides for the payment of rent or office space or for maintaining office utilities, or other expenses related to holding office. Authorizes a member to carry over to a succeeding fiscal year up to \$3,000 of unused allowance. Specifies permissible payments.



# INSURANCE

## DEPARTMENT OF INSURANCE

### **SB 1107 by Hainkel** *(Last Action – Vetoed)*

Limits the authority of the Insurance Rating Commission and transfers its non-rate making functions to the Department of Insurance (DOI). Further transfers its regulatory functions to the property and casualty division of DOI. Allows insurers to file a rate change and begin using it in 30 days. Establishes the Rating Commission as an appellate body to review decisions by the property and casualty division relative to applications for rates and rate changes. Similar to HB 1321 by Donelon which would have abolished the commission.

### **HB 437 by Pinac** *(Last Action – Enrolled)*

Prohibits intentional defrauding of the Department of Insurance (DOI). Provides that certain actions that constitute "fraudulent insurance act" are felonies and are subject to criminal penalties and fines, including:

- (1) Knowingly presenting false information in many insurance matters.
- (2) Soliciting or accepting insurance risks for an insolvent insurer.
- (3) Removing assets or records from the home office of an insurer.
- (4) Diverting funds of an insurer.
- (5) Supplying false information to the Department of Insurance.

Provides for civil immunity for persons and their employees involved in the prevention and detection of fraudulent insurance acts.

Provides that the prohibition on the distribution of profits does not apply to the owners of insurance agencies but it does apply to the La. Workers Compensation Corporation.

Repeals the requirement of a countersignature to pay commissions to nonresident producers for state and local insurance and bonds.

### **HB 1772 by Donelon** *(Last Action - Sent to Governor)*

Restructures the fees charged by the Department of Insurance to comport with the changes in licensing of producers (agents and brokers) with the passage of HB 1557 by Bowler (Act 158). Preserves the existing revenue stream to the department.

### **HB 1100 by Bowler** *(Last Action – Senate Committee)*

Governs the treatment of nonpublic personal financial information about individuals by licensees of the Louisiana Department of Insurance in accordance with the federal Gramm-Leach-Bliley Act (PL 102-106). Requires each licensee to provide notice to individuals about its privacy policies and practices; describes the conditions under which a licensee may

# Insurance

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disclose nonpublic personal financial information about individuals to affiliates and nonaffiliated third parties; and provides methods for individuals to prevent a licensee from disclosing that information. Pursuant to regulations of the Department of Insurance, insurers and financial institutions are currently sending privacy notices to customers and consumers.

## PROPERTY AND CASUALTY INSURANCE

### **HB 284 by Schneider** (*Last Action – Act No. 277*)

Requires out-of-state vehicles to maintain and contain evidence of the minimum liability security as required by the state in which the vehicle is registered. Subjects violators to the penalties provided for in R.S. 32:57 and limits on recovery of damages (no pay-no play). Previously, only Louisiana registered vehicles were required by law to have proof of the minimum liability insurance.

### **HB 800 by Donelon** (*Last Action – Act No. 368*)

Allows the named insured (owner) and the spouse of the named insured to be excluded from coverage of the automobile liability policy by written agreement with the insurer. Allows other named drivers to be excluded without being a party to the agreement. Legislatively overrules the case of *Williams v. US Agencies Casualty Insurance Company*, which held that the named insured could not be excluded from an automobile liability policy.

### **HB 1194 by LaFleur** (*Last Action – Sent to Governor*)

Prohibits motor vehicle liability policies and uninsured motorist coverage from limiting coverage for bodily injury to a spouse or resident relative of a named insured when the injury was caused by any fault of the named insured in any amount less than the face value of the policy. Provides that any contrary provision is against public policy and is null, void, and unenforceable.

### **HB 719 by McMains** (*Last Action – House Calendar*)

Imposes a requirement upon an insurer liable under a policy or contract of liability insurance to provide written notice to the payee-obligee (payee notification) of certain settlements or satisfactions of judgments.

## HEALTH INSURANCE

### **HB 858 by Clarkson** (*Last Action – Act No. 65*)

### **HB 829 by Johns** (*Last Action – Act No. 174*)

These two Acts dealt with access to the state health insurance pools administered by the La. Health Plan. Act No. 65 allows continued participation in the La. High Risk Health

Insurance Pool for any person receiving cancer treatment or therapy or any person with an immune system disorder requiring immuno-suppression drug treatment or maintenance not covered by Medicaid or Medicare unless such person is eligible for or has attained Medicare at age 65 or older.

Act No. 174 makes eligible for participation in the state's HIPAA pool certain persons whose individual health insurance has not been renewed by an insurer or HMO exiting or partially exiting the state's individual health insurance market. The HIPAA pool was established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) for certain persons losing group coverage.

**HB 830 by Johns** *(Last Action – Act No. 133)*

Allows for limited use of exclusions in individual health insurance coverage based on specific preexisting medical conditions. Requires that the insurer or health maintenance organization (HMO) provide any applicant with a notice explaining the exclusion and review the underwriting basis for the exclusion annually upon the insured's request. Allows no more than two exclusions per covered individual and prohibits the exclusion from being applied to any other conditions not related directly to that excluded condition.

**HB 1721 by Donelon** *(Last Action – Sent to Governor)*

Requires health insurers and health maintenance organizations to notify health care providers, including health care facilities, of recoupment of health insurance claims payments to health care providers. Allows providers to dispute recoupments. Defines recoupment as a reduction, offset, adjustment to any amount owed to a health care provider for any reason unrelated to that amount owed to that provider.

**HB 1474 by Clarkson** *(Last Action – Senate Committee)*

**HB 1632 by Ansardi** *(Last Action – House Calendar)*

These bills dealt with requiring insurers to recognize assignment by an insured, beneficiary, subscriber, or enrollee of health insurance benefits to health care providers, a requirement presently only applicable to hospitals. HB 1632 would have deleted the requirement for recognition of assignment of health insurance benefits to hospitals, while HB 1474 would have extended that right to all health care providers.

**HB 1724 by Hunter** *(Last Action – Senate Committee)*

Requires managed care organizations, including health insurers and health maintenance organizations, to establish and maintain a procedure to allow an enrollee with a special condition requiring ongoing care from a specialist to receive a standing referral to a network specialist or to a non-network specialist if a particular network specialist is not available.

## Insurance

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Also required continuity of care of 90 days when a health care provider is terminated from a network.

### **HB 2058 by Hebert** *(Last Action – Senate Committee)*

Prohibits contracted health care providers from billing or collecting from an enrollee or insured any amounts which are the legal liability of his insurer or health maintenance organization. Requires that any statement sent by such a provider to an enrollee or insured clearly state that it is not a bill. Further requires that any bill sent by a contracted provider to an enrollee or insured clearly state any amount due by the enrollee or insured and contain conspicuous language indicating that the enrollee or insured is not responsible for amounts owed by his insurer or HMO.

### **SB 399 by W. Fields** *(Last Action – House Committee)*

Provides that if workers' compensation coverage of a claim for medical expenses is denied on the basis that the injury is not compensable, the injury shall be presumed to be nonwork related for other insurance purposes, and any other insurer, including health maintenance organizations covering bodily injury and disease of the injured employee shall pay according to the policy provisions. Further provides for subrogation rights for the insurer for reimbursement of all payments made for medical services that are later determined to be work related. Makes any worker's compensation insurer who arbitrarily denies a claim subject to unfair trade practices.

## **HEALTH INSURANCE MANDATES**

### **HB 461 by Daniel** *(Last Action – Sent to Governor)*

Prohibits any health insurance policy, contract, or plan from excluding coverage for diagnosis and treatment of a correctable medical condition solely because the condition results in infertility.

### **SB 314 by Heitmeier** *(Last Action – Sent to Governor)*

Requires health insurance coverage of low protein food products for treatment of inherited metabolic diseases, including phenylketonuria (PKU). Makes this coverage subject to applicable deductibles, coinsurance, and copayments and limits benefits to \$200 per month.

### **SB 865 by Thomas** *(Last Action – Enrolled)*

Requires the Department of Insurance to conduct an actuarial cost analysis on certain health insurance benefits and options mandated by law. Similar to HB 1671 by Rep. Morrish to provide a mechanism to evaluate the actual costs of health insurance benefits that are mandated by state law.

**HB 407 by Pratt** *(Last Action – House Committee)*

**HB 1568 by Winston** *(Last Action – House Committee)*

**SB 211 by Irons** *(Last Action – House Committee)*

These bills sought to require health insurance coverage of contraceptives by health plans providing prescription coverage. HB 407 and SB 211 required coverage of contraceptives with an exemption for religious employers, while HB 1568 required such coverage for medical purposes, including regulation of hormones and hormone therapy.

### INSURANCE AGENTS

**HB 84 by Powell** *(Last Action – Act No. 287)*

Prohibits the amendment of a contract between an insurer and agent that may require the agent to sell a quota of life or health insurance, unless the contract already contained a requirement to sell life or health insurance.

**HB 1557 by Bowler** *(Last Action – Act No. 158)*

Provides for compliance with federal law that requires the states to have uniform licensing provisions for producers (agents and brokers). Governs the qualifications and procedures for the licensing of insurance producers which applies to any and all lines of insurance and types of insurers, including life, health, property, liability, credit, title, fire, or marine, operating on a stock, mutual reciprocal, fraternal benefit, hospital, or medical service plan. This Act is based on the model law approved by the National Conference of Insurance Legislators (NCOIL).

**HB 1590 by Richmond** *(Last Action – Act No. 275)*

Prohibits insurers, agents, and brokers from accepting or processing an application for coverage under a Medicare+Choice plan unless certain requirements are met. Requires that the application be signed by the enrollee and that he be provided with certain written notices, including how any change in coverage will impact his access to health care providers.

**HB 2043 by Donelon** *(Last Action – Act No. 170)*

Creates specialty limited lines credit insurance producer licenses for the sale of credit life, credit health and accident, and credit property and casualty insurance. Requires the credit insurance sales to be in connection with retail sales of up to \$10,000. Sets applications, registration, and renewal fees and authorizes the employees or representatives of a licensed producer to sell limited credit insurance without being licensed under certain circumstances.

# Insurance

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## FUNERAL INSURANCE

### **HB 2065 by Ansardi** *(Last Action – Senate Committee)*

Authorizes the commissioner of insurance to adopt rules requiring disclosures to the beneficiaries of funeral services policies. Provides that on and after July 1, 2003, on initial contact with the beneficiary, the funeral provider shall provide the beneficiary with a written disclosure in a form approved by the commissioner.

### **HCR 149 by Ansardi** *(Last Action – Enrolled)*

Authorizes and directs the Dept. of Insurance and the State Board of Embalmers and Funeral Directors to jointly study and make recommendations regarding funeral service insurance policies and their regulation. Also creates a Funeral Insurance Advisory Task Force to advise and make recommendations to the DOI and the State Board of Embalmers and Funeral Directors. Requires a report to be submitted to the House and Senate Committees on Insurance no later than February 1, 2003.

# JUDICIARY

## NEW JUDGESHIPS

### **HB 22 by J. R. Smith** *(Last Action – Act No. 25)*

Provides for an additional judgeship in the 30th JDC (Vernon Parish).

### **HB 215 by Pitre** *(Last Action – Act No. 217)*

Provides for an additional judgeship in the 17th JDC (Lafourche Parish)

### **HB 663 by Hill** *(Last Action – Enrolled)*

Provides for an additional judgeship in the 33rd JDC (Allen Parish).

### **SB 26 by B. Jones** *(Last Action – Act No. 190)*

Provides for an additional judgeship in the 3rd JDC (Lincoln and Union Parishes).

### **SB 561 by C. Fields** *(Last Action – Act No. 198)*

Creates an additional judgeship in the 19th JDC (East Baton Rouge Parish) to be elected from a minority subdistrict.

### **SB 822 by Hainkel** *(Last Action – Enrolled)*

Provides for an additional judgeship in the 22nd JDC (St. Tammany and Washington Parishes).

## JUDICIAL PAY RAISES

### **HCR 30 by Toomy** *(Last Action – Enrolled)*

Approves the salaries recommended by the Judicial Compensation Commission which recommendation provides that the justices of the supreme court, judges of the appeals courts, judges of the district courts, and judges of the city courts shall receive a 5% raise on July 1st, 2001, 5% on July 1st 2002, and 5% on July 1st, 2003. For city court judges, the increase only applies to the portion of the salary paid by the state.

### **HB 1108 by McMains** *(Last Action – Enrolled)*

Provides that the salaries of the commissioners of the 19th JDC (East Baton Rouge Parish) and the 15th JDC (Lafayette, Acadia, and Vermilion), who are paid by the state, shall be 90% of the salary paid to a district judge.

## Judiciary

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### **HB 10 by Murray** *(Last Action – House Committee)*

Includes commissioners of the Criminal District Court of Orleans Parish and the 15th JDC (Lafayette, Acadia, and Vermilion Parishes) and 19th JDC (East Baton Rouge Parish) within the Judicial Compensation Commission's salary recommendations.

### **HB 102 by Murray** *(Last Action – Failed to Pass/Senate)*

Provides for additional salary for chief judges of district courts.

### **HB 1785 by Green** *(Last Action – Act No. 279)*

Provides that the salaries of each of the four commissioners of the Criminal District Court for the parish of Orleans shall be 55% of the salary paid to a judge of the criminal district court per annum, said salary and related benefits to be payable in the same manner and from the same sources as the salary and benefits paid to a judge of the criminal district court.

## **OTHER BILLS AFFECTING THE JUDICIARY**

### **HB 274 by Martiny** *(Last Action – Act No. 225)*

Increases the membership of the Judicial Compensation Commission from 10 to 15 members. Provides that the five new members shall be representative of the general public and prohibits them from being either attorneys or members of the legislature. Authorizes any increase in judicial salaries to be enacted by the legislature after submission of the report by the commission and to be approved by a favorable vote of the majority of the elected members of each house. Requires any future recommendation for an increase in judicial salaries to be enacted by law by the Legislature rather than approved by adoption of a concurrent resolution. Provides that the legislature may enact legislation authorizing an increase in judicial salaries in an odd-numbered year or an even-numbered year of the regular session of the legislature or at an extraordinary session of the legislature if included within the object of the call. Does not affect any increase in judicial compensation provided in HCR 30 of the 2001 R.S.

### **SB 1027 by Chaisson** *(Last Action – Enrolled)*

Authorizes the use of certain fees in courts of appeals to be used to defray the expense of employment benefits for court employees, including judges, as directed by the court.

### DISTRICT ATTORNEYS

#### **HB 390 by Toomy** *(Last Action – Conference Committee Report Adopted)*

Increases the number of assistant district attorneys in the 12th JDC (Avoyelles Parish) from 5 to 6, the 22nd JDC (St. Tammany and Washington parishes) from 23 to 25, the 31st JDC (Jefferson Davis Parish) from 3 to 4, and the 34th JDC (St. Bernard Parish) from 7 to 8.

Added two additional assistant district attorney positions for the 19th Judicial District (from 44 to 46) shall become effective on January 1, 2002, provided that those additional assistant district attorney positions are approved, prior to January 1, 2002, by the Governor's Commission on Additional Assistant District Attorneys and provided that notice of that approval has been transmitted, prior to January 1, 2002, to the Governor of Louisiana, to the Chief Justice of the Louisiana Supreme Court, to the President of the Louisiana Senate, and to the Speaker of the Louisiana House of Representative. Provides that state funding for the two additional assistant district attorney positions shall not be made available prior to January 1, 2002.

### COURT COSTS

#### **HB 92 by Frith** *(Last Action – Failed to Pass/House)*

Provides for additional special costs to be assessed in DWI convictions.

#### **HB 449 by M. Strain** *(Last Action – House Committee)*

Creates the Drug Abuse Resistance Education (D.A.R.E.) Fund.

#### **HB 455 by Welch** *(Last Action – Senate Finance Committee)*

Authorizes additional costs in the 19th JDC (East Baton Rouge Parish) to establish a judicial building fund for a new courthouse.

#### **HB 641 by J. D. Smith** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund criminalistics laboratories.

#### **HB 649 by Fruge** *(Last Action – Senate Finance Committee)*

Provides for additional costs for the clerks of court to fund the operation of the Electronic Access/Internet Systems.

## Judiciary

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### **HB 684 by Riddle** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund the court-appointed special advocate (CASA) programs in the 12th JDC (Avoyelles Parish).

### **HB 739 by Powell** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund the court-appointed special advocate (CASA) programs in the 21st JDC (Livingston, Helena, and Tangipahoa Parishes) and the city courts of Hammond and Denham Springs.

### **HB 813 by Broome** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund the court-appointed special advocate (CASA) programs in the 19th JDC (East Baton Rouge Parish) and the City Court of Baton Rouge.

### **HB 833 by Martiny** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund the rewards paid by crime stoppers organizations.

### **HB 1152 by Katz** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund the court-appointed special advocate (CASA) programs in the 4th JDC (Ouachita Parish) and the City Court of Monroe.

### **HB 1841 by Shaw** *(Last Action – Senate Finance Committee)*

Provides for additional costs to fund the court-appointed special advocate (CASA) programs in certain district and city courts within any parish with specified population totals.

### **SB 893 by Marionneaux** *(Last Action – Failed to Pass/House)*

Provides for additional costs to fund the court-appointed special advocate (CASA) programs in the 18th JDC (West Baton Rouge Parish) and the City Court of Port Allen.

## **ALCOHOLIC BEVERAGES**

### **HB 37 by Crowe** *(Last Action – House Committee)*

Establishes the crimes of unlawful presence of a person under 21 years of age at establishments serving alcoholic beverages and the unlawful permitting of anyone under 21 years of age in these specified establishments and provides exceptions.

**HB 38 by Crowe** *(Last Action – House Committee)*

Sets forth tracking procedures for the sale of malt beverage in a keg for consumption off premises by requiring special identification tags on the kegs. Requires the purchaser to complete and sign a specified form provided by the Dept. of Revenue with picture ID including a declaration that the keg will be consumed at specified location and that the purchaser will not permit any underage consumption of the beverage.

**SB 784 by Chaisson** *(Last Action – House Committee)*

Prohibits the operator or passenger of a motor vehicle which is on the highway or a public right-of-way from possessing an open alcoholic beverage container or from consuming an alcoholic beverage in the passenger area of the motor vehicle. Penalizes violation with a \$50 fine.

### **SPECIAL LEGISLATION**

**HCR 85 by LaFleur** *(Last Action – Enrolled)*

Names Melville the Atchafalaya River Catfish Capital of Louisiana.

**HB 70 by Powell** *(Last Action – Act No. 10)*

Provides that the Louisiana strawberry is the official state fruit.

**HB 347 by McDonald** *(Last Action – Act No. 53)*

Provides for the official state tartan of Louisiana.

**HB 724 by Shaw** *(Last Action – Act No. 337)*

Designates August 16 "National Airborne Day".

**HB 1692 by Triche** *(Last Action – Act No. 165)*

Designates the spotted sea trout as the official state saltwater fish.

**HB 2076 by Lucas** *(Last Action – Senate Committee)*

Provides that Juneteenth Day shall be designated and celebrated as a special day in the state of Louisiana on the third Saturday in June in honor of the day African Americans celebrate as Emancipation Day.

**SCR 14 by M. Smith** (*Last Action – Enrolled*)

Encourages the display of the national motto of the United States, "In God We Trust".

# **LABOR AND INDUSTRIAL RELATIONS**

## **EMPLOYMENT**

HB 954 by Guillory (Last Action-Sent to Governor)

HB 1740 by Scalise (Last Action-Sent to Governor)

SB 332 by Michot (Last Action-Sent to Governor)

Limits the fees which a private employment agency can collect to twenty percent of an applicant's gross wages. Prohibits governmental bodies from passing any law, ordinance or regulation which would impinge upon an employer's or employee's full freedom to act under the federal labor laws. Allows an employer to garnish or retain unclaimed wages of an employee where the employee is convicted or pleads guilty to the crime of theft of the employer's funds.

## **PUBLIC EMPLOYEES**

HCR 64 by Holden (Last Action-Enrolled)

Requests the House and Senate Committees to study the wages and benefits of all Louisiana workers.

## **EMPLOYMENT/UNIONS**

HB 1312 by Scalise (Last Action-Failed to Pass/House)

Prohibits local governments from requiring certain agreements with contractors as a condition for bidding on projects.

## **EMPLOYMENT/WAGES**

HB 1295 by Stelly (Last Action-Enrolled)

Extends the time period within which to pay a discharged employee. Requires that a discharged employee be paid on or before the next scheduled payday or no later than 15 days after the date of discharge, whichever occurs first.

## **LABOR**

HCR 186 by Welch (Last Action-House Committee)

Decreases the number of employees needed to qualify for the Incumbent Worker Training program from 15 to six.

# **Labor and Industrial Relations**

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## **WORKERS' COMPENSATION**

HB 435 by Nevers (Last Action-Sent to Governor)

HB 1385 by Riddle (Last Action-Sent to Governor)

SB 331 by Michot (Last Action-Sent to Governor)

Increases allowable burial expenses paid by employers for work related deaths to \$7,500. Provides for the payment of vocational rehabilitation related mileage incurred by an employee at the direction of his employer. Prohibits a sole proprietor from electing to exempt himself from workers' compensation coverage if he has a contract with a principal in which a substantial part of the sole proprietor's work time is spent in manual labor carrying out the terms of the contract. Further allows a principal who is sued by an independent contractor who is prohibited from opting out of workers' compensation coverage to call the independent contractor as a co-defendant. Provides that an independent contractor may enter into a contract with a principal if the independent contractor secures workers' compensation insurance or self-insurance.

## **UNEMPLOYMENT COMPENSATION**

HB 917 by Nevers (Last Action-House Committee)

HB 953 by Guillory (Last Action-Sent to Governor)

HB 1572 by Murray (Last Action-House Committee)

Increases percentage amount of wages for unemployment benefits from 27% to 40%. Requires the Department of Labor to appoint referees for unemployment compensation appeals. Provides for family benefits allowing an employee to receive unemployment compensation benefits while caring for a newborn or newly adopted child. Employee eligible for such benefits for up to 90 days.

## **INSURERS**

SB 1105 by Schedler (Last Action-Sent to Governor)

Regulates Professional Employer Organizations. Defines PEOs and their services. Provides the terms and requirements of registration with both the Department of Labor and Department of Insurance. Requires the payment of annual registration fees. Provides the rights and responsibilities of both the PEO and the client.

# MUNICIPAL, PAROCHIAL & CULTURAL AFFAIRS

## LOCAL GOVERNMENT

### **HB 386 by Morrish** *(Last Action – Sent to Governor)*

Authorizes parish governing authorities to adopt annual budgets within 30 days after the fiscal year begins rather than requiring the parish governing authorities to adopt annual budgets before the end of the prior fiscal year.

### **HB 408 by Richmond** *(Last Action – House Committee)*

Requires that judgments against a political subdivision be paid in the order they are rendered. Provides that once a judgment has been rendered, the payment thereof is not negotiable.

### **HB 809 by Frith** *(Last Action – Sent to Governor)*

### **SB 695 by Hoyt** *(Last Action – Sent to Governor)*

SB 695 provides that the rate of interest paid by banks on political subdivision funds made available for investment in time certificates of deposit shall be a rate not less than the prevailing rate of interest on time certificates of deposit that is offered by the bank and its customers. (Both bills also include a special provision for investments of a water district in Vermilion Parish.) Both bills also provide that the fiscal agency for deposit of funds of local governments shall be a stock-owned federally insured depository institution. (Present law requires that such depositories be banks.)

### **HB 1302 by Pitre** *(Last Action – Sent to Governor)*

Provides a procedure for a parochial subdivision to extend the levy and collection of sales taxes and ad valorem taxes levied within its jurisdiction at the time of annexation of proposed additional territory to be included within such parochial subdivision. Such taxes may be extended to the additional territory only after receipt of a petition therefor by a majority of the qualified electors residing within such additional territory or upon approval thereof by a majority of the voters voting in a special election held within such additional territory by the parochial subdivision for such purpose subsequent to such annexation.

### **HB 1308 by Alario** *(Last Action – Sent to Governor)*

Creates the "Community Development District Act" as an alternative method to manage and finance basic services for community development through the levy and collection of special assessments. Provides for the establishment of a community development district pursuant by ordinance granting a petition to establish the district. Requires that the petition for the establishment of a community development district contain a description of the boundaries of the district, a map of the district, written consent of all landowners whose property is included in the district, the initial members of the board of supervisors, the name of the district, and a timetable and estimate of cost for the construction of the services. Provides for the parish municipality to acquire a valid and

## Municipal, Parochial & Cultural Affairs

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merchantable title to such property after adopting an ordinance notifying the owner and interested parties, and the lapse of 120 days unless a suit is filed to contest the acquisition. Authorize sale or donation of property so acquired as provided by law.

### **HB 1460 by Jackson, L.** (*Last Action – Act No. 155*)

Provides an additional means by which a parish or municipality is empowered to more readily obtain and sell or otherwise dispose of properties which are abandoned and which have been adjudicated more than five years previously to such political subdivisions for nonpayment of taxes.

### **HB 1789 by Doerge** (*Last Action – Act No. 188*)

Authorizes a parish governing authority or a group of parish governing authorities to create a fire and emergency services district. The main purpose of the district is to provide citizens access to educational and training services in the fields of fire protection and emergency services. Requires the district to coordinate its fire service training efforts with the LSU Fire and Emergency Training Institute to prevent duplication of efforts and costs and to insure standardization of curriculum. The bill also provides for the appointment of a governing board of such a district and the powers and duties of the board.

### **HB 2025 by Landrieu** (*Last Action – Enrolled*)

Authorizes post-adjudication donation of abandoned property to nonprofit organizations free and clear of or at a reduced level of taxes, paving and other assessments, interest, and penalties. Requires the purchaser to meet certain requirements. Requires the purchaser to refund any taxes, paving and other assessments, interest, and penalties waived or reduced (Waived Delinquent Revenues) under certain circumstances.

### **SB 136 by Lentini** (*Last Action – House Committee*)

Authorizes the governing authorities of municipalities to propose an ordinance to provide for term limitations or for voters to propose by petition, and for voter approval.

### **SB 512 by Schedler** (*Last Action – Sent to Governor*)

Provides for investment of funds by political subdivisions. Authorizes political subdivisions to invest in investment grade commercial paper of domestic United States corporations.

### **SB 896 by Hainkel** (*Last Action – Sent to Governor*)

Provides relative to consideration of excess capital stock, surplus, or undivided profits when selecting a local depository. Provides that no amount in excess of 200% of capital stock, declared surplus and undivided profits of a bank may be deposited in any one bank by one depositing authority. (Present law limits this to 100%.) Provides that deposits which are swept from the

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## **Municipal, Parochial & Cultural Affairs**

bank's deposit account at the close of business each day for purchase of securities that qualify as collateral for public deposits shall not be counted in this calculation.

### **SB 956 by Michot** *(Last Action – Sent to Governor)*

Authorizes a local entity to accept payment of any local charge it, or any department, agency, board, commission, or other entity thereof, is authorized to collect by credit card, debit card, or similar payment device approved by the local entity. Authorizes the local entity to establish and assess a fee when accepting such cards or devices, provided that the fee is a uniform dollar amount or percentage assessed for all types of cards or devices accepted by the local entity.

### **SB 1018 by Schedler** *(Last Action – Sent to Governor)*

Provides relative to the La. Emergency Assistance and Disaster Act. Provides that whenever a situation develops within or outside a municipality which the chief executive authority of the municipality determines that immediate action is required to preserve the public peace, property, health, or safety within the municipality, or to provide for continued operation of municipal government, nothing in the Act diminishes the authority of the chief executive officer of the municipality to undertake immediate emergency response measures within the municipality. Defines such measures. Provides that the Act does not grant the mayor or chief executive authority to direct a state or parish agency's activities. Requires municipalities to provide resources in the event of an emergency or disaster in the parish.

### **SB 1081 by Smith** *(Last Action – House Committee)*

Presently a petition proposing incorporation of an area is prepared and must contain amongst other things the signatures of 26% of the electors residing in the area proposed for incorporation. All electors, whether or not they own land, are eligible to sign the petition. SB 1081 requires that a statement that at least 25% of the inhabitants residing in the unincorporated area are property owners be included in the incorporation petition. Requires that such statements shall be based on the certificate of the parish assessor in which the unincorporated area is located and requires the certificate to be attached to the petition.

### **SB 1084 by Schedler** *(Last Action – House Calendar)*

Provides relative to local government planning and zoning. Provides that each person appointed to serve on a planning commission, within six months after appointment, receive at least three hours of formal training in the responsibilities of the office to which appointed.

## **MUSEUMS**

### **HB 468 by Faucheux** *(Last Action – House Committee)*

## **Municipal, Parochial & Cultural Affairs** \_\_\_\_\_

Establishes the Edgard Depot Museum within the Dept. of State. Creates and provides for a governing board of the museum comprised of members who have a knowledge of and an interest in the railroad industry in Louisiana and in the St. John the Baptist Parish area in particular.

### **HB 842 by Hammett** (*Last Action – Sent to Governor*)

Creates the Louisiana Delta Music Museum in the Department of State. Creates and provides for a governing board of the museum comprised of twenty-nine members who have a knowledge of and an interest in the music of the Louisiana Delta and Concordia Parish

### **HB 898 by Fauchaux** (*Last Action – House Committee*)

Relative to the Garyville Timbermill Museum, repeals provisions that no action shall be taken pursuant to the law establishing the museum and placing it in the Dept. of State until all debts and obligations which are secured by or encumber the property to be transferred are removed from the property and further provides that the law establishing the museum shall be null and void if the transfer is not made within four years after its effective date. Also repeals provision that the law establishing the museum shall be effective on the effective date of a legislative appropriation of funds for purposes of establishing the museum.

### **HB 1461 by Broome** (*Last Action – Act No. 156*)

Authorizes the board of directors of the Louisiana State Museum to lease commercial space within or on its properties located within the French Quarter without advertising or receiving public bids for such leases.

### **HB 1943 by Triche** (*Last Action – Sent to Governor*)

Transfers the Edward Douglass White Historic Site and its governing board from the Department of State to the Department of Culture, Recreation and Tourism (DCRT). Repeals provisions for the museum governing board and provides that the Louisiana State Museum shall be the governing board of the historic site.

## **STATE PARKS**

### **HB 1686 by Broome** (*Last Action – Sent to Governor*)

Repeals provisions entitling Golden Age Passport and Golden Access Passport holders to a fee exemption every third night during the winter camping season.

## **ARCHAEOLOGICAL RESOURCES**

### **HB 1858 by Broome** (*Last Action – Sent to Governor*)

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## **Municipal, Parochial & Cultural Affairs**

Provides relative to conservation of archaeological resources on state lands, including provisions pertaining to the unlawful removal or sale of archaeological resources from such lands and penalties for such violations.

### **DEPARTMENT OF CULTURE, RECREATION AND TOURISM**

#### **HB 1527 by Broome** *(Last Action – Sent to Governor)*

Authorizes advertising by the offices of the secretary, cultural development, film and video, the state library, and state museums in the Department of Culture, Recreation and Tourism for statewide development and implementation of cultural, recreational, and tourism programs when funds have been appropriated for that purpose.

### **TOURISM/COMMISSION**

#### **HB 1966 by Cazayoux** *(Last Action – Sent to Governor)*

Repeals provision prohibiting tourist commissions from levying hotel occupancy tax on overnight camping facilities under certain conditions.

### **PROPERTY/HISTORIC**

#### **HB 1941 by Scalise** *(Last Action – House Calendar)*

Enacts the Louisiana War Monuments and Memorials Protection Act. Provides that monuments, memorials, plaques, markers, or historic flag displays on public property dedicated to or memorializing specified wars and movements as well as Native American sacred grounds, monuments, memorials, plaques, and markers shall not be relocated, removed, disturbed, or altered, unless such action has been previously approved by a concurrent resolution adopted by the legislature. Requires the secretary of state to establish and maintain a registry of all such monuments, memorials, plaques, markers, sacred grounds, or historic flag displays.

### **LOCAL FIRE AND POLICE SERVICE**

#### **HB 847 by Smith** *(Last Action – Conference Committee Appointment Pending)*

Provides that firefighters in municipalities, parishes, and fire protection districts not scheduled to work on a holiday may be entitled to either a minimum of eight hours of pay or compensatory time for the holiday, as determined by the governing authority.

#### **HB 1890 by Kennard** *(Last Action – Sent to Governor)*

Provides relative to fire ground authority over fire safety personnel and other persons at emergency scenes. Grants such authority to the ranking fire officer from the fire department jurisdiction where

## **Municipal, Parochial & Cultural Affairs** \_\_\_\_\_

the emergency scene is located. Also provides relative to unified command with the ranking forestry officer when the fire boundary involves fires under the jurisdiction of the Louisiana Department of Agriculture and Forestry.

### **HB 1068 by Winston** (*Last Action – House Committee*)

Relative to the Municipal Fire and Police Civil Service, changes provisions for promotion in the classified police service to provide for eligibility and appointment based on final test scores rather than on total seniority in the departmental service.

### **HB 1404 by Erdey** (*Last Action – House Calendar*)

Relative to Municipal Fire and Police Civil Service, changes provisions for promotion in the classified police service to provide for eligibility and appointment based on total seniority in the class from which the appointment is to be made rather than on total seniority in the departmental service.

### **HB 1862 by Holden** (*Last Action – House Committee*)

Provides for annual longevity pay increases of 2% for all policemen with three years of service effective August 1, 2001. Provides for additional 2% increases for each year of service thereafter. Applies to each municipality with a population between 12,000 and 250,000.

### **SB 725 by Hines** (*Last Action – Act No. 443*)

Classifies Hepatitis B and Hepatitis C as occupational diseases or infirmities connected with certain duties of a firefighter or policeman.

## **TAX/INSURANCE PREMIUMS**

### **HB 264 by Hammett** (*Last Action – Sent to Governor*)

Relative to local insurance license taxes, changes the basis for calculating the amount of the tax. Changes the provisions for tax reductions for insurers who invest in Louisiana investments and authorizes local governments to contract with the Louisiana Municipal Advisory and Technical Services Bureau for the collection of such taxes.

# NATURAL RESOURCES

## LOUISIANA/MISSISSIPPI HUNTING AND FISHING LICENSE AGREEMENT

### **HB 1420 by Pierre** *(Last Action – Signed by Governor, June 18, 2001)*

Eliminates the three-day nonresident freshwater and saltwater fishing licenses and replaces them with temporary nonresident freshwater and saltwater fishing licenses for \$5/day and \$15/day respectively.

Establishes a four-day nonresident freshwater fishing license for \$15 and a four-day nonresident saltwater license for \$45. Each of the saltwater licenses must be purchased in conjunction with the appropriate freshwater license.

Lowers the annual nonresident saltwater fishing license from \$50 to \$30 which would result in a reduction of the annual nonresident freshwater and saltwater fishing license fee from \$110 to \$90.

### **HB 1716 by Pierre** *(Last Action – Signed by Governor, June 18, 2001)*

Establishes a charter boat license which authorizes a charter boat operation with small fishing skiffs attached to the main vessel. The annual fee for such license shall be \$1,000 for a vessel with six or fewer skiffs and \$2,000 for a vessel with more than six skiffs. Requires the main vessel's captain to be licensed by the U.S. Coast Guard and the main vessel to be in Louisiana waters while the skiffs are used for fishing. Prohibits the main vessel from entering wildlife management areas.

Requires each skiff to have a charter skiff license which identifies its connection to the main vessel. Each charter skiff license shall have an annual fee of \$50.

Requires nonresidents fishing from such charter operations to possess a charter fishing trip license at a cost of \$30 per person which is valid for a three consecutive day period.

## OYSTERS AND COASTAL RESTORATION

### **HB 1606 by Damico** *(Last Action – Sent to Governor)*

Beginning in 2003, oyster lease holders will be required to report by March 31 each year to the Dept. of Wildlife and Fisheries certain lease information for the previous calendar year including the area in which the leases are located, the amount of oysters and seed oysters removed, the amount of cultch and seed oysters placed, and the source of the seed oysters. The information, including the name of the leaseholder, will be available to the Dept. of Natural Resources only for planning of conservation, protection, management, enhancement, and restoration of coastal wetlands or barrier islands.

Repeals requirement for each leaseholder to place at least 10% of the leased barren water bottoms under cultivation each year.

# Natural Resources

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## **HB 1795 by Damico** (*Last Action – Sent to Governor*)

Currently, the secretary of the Dept. of Wildlife and Fisheries can renew oyster leases in projected impact areas of coastal restoration projects for periods of one to 14 years. In order for the term of renewal of oyster leases to be impacted, the coastal restoration projects are required to have been authorized and funded through the state's annual Coastal Wetlands Conservation and Restoration Plan.

This bill removes the requirement that the coastal restoration project be authorized and funded through the state wetlands plan and provides that any coastal restoration project included within a public program officially proposed by the appropriate state, federal, or local agency may be considered in the determination of the length of time for which oyster leases may be renewed.

The bill requires annual determination of impact areas to be made by the Dept. of Natural Resources with preliminary notification of the areas and recommendations relative to the leases in those areas to be given to the Oyster Task Force by August 15 each year and final recommendations to the task force and the Dept. of Wildlife and Fisheries by Sept. 30 each year. The bill further provides for an appeal process to the House and Senate Natural Resources committees if there is disagreement over the determination of the impact areas with the final legislative determination to be made by November 5th.

## **RECREATIONAL HOOP NETS**

### **HB 85 by Salter** (*Last Action – Act No. 30, eff. May 24, 2001*)

Authorizes the use of hoop nets for recreational fishing in the geographical areas north of a line which runs along I-12 from the Mississippi state line westward to Baton Rouge, along LA 190 from Baton Rouge westward to Ragley, and along LA 12 from Ragley westward to the Texas state line. Provides for a fee of \$20 for use of no more than three hoop nets.

Present law authorizes mobility impaired residents of the state who are over the age of 60 years to use, without a gear fee or license charge, one hoop net not greater than 18' by 8' for catching catfish for home consumption.

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## Natural Resources

### BOW FISHING

**HB 1418 by Pierre** (Last action - Finally passed/Senate)(Concurrence in Amendments Pending)

**HB 1428 by Jack Smith** (Last action - House Committee)

HB 1428 would have prohibited the taking of commercial or game fish by use of bow and arrow and spears.

HB 1418 provided for funding sources for the Saltwater Fishery Enforcement Fund. However, a Senate floor amendment would have prohibited the taking of finfish by bow and arrow at night.

### LAND ACCESS

**HB 1696 by Pierre** (Last action - Sent to Governor)

The Act clarifies that the State Land Office, housed in the division of administration rather than the Dept. of Natural Resources, is the agency responsible for insuring public access to state owned water bottoms and granting leases for encroachments, and permitting private reclamation project on such water bottoms. Organizes the office into an administrative section, a land and water bottom management section, an historical records section, and a titles and survey section.

**HB 1381 by Hutter** (Last action - Senate Committee)

The bill would have required written permission from a landowner in order to hunt and fish on his property.

### CLASS ONE VIOLATIONS

**HB 158 by Daniel** (Last action - Act No. 344)

The Act authorizes the secretary of the Dept. of Wildlife and Fisheries to impose a 10% late fee for unpaid civil fines for wildlife violations and to impose hearing costs. Also authorizes the imposition of attorney's fees, judicial interest on unpaid penalties, and costs for civil suits instituted to collect unpaid civil fines.

**HB 336 by Daniel** (Last action - Sent to Governor)

The Act provides that the summons issued for illegally taking fish or wildlife shall constitute the notice that failure to appear at the adjudicatory hearing or to pay assessed civil penalties or civil restitution shall result in immediate revocation of all recreational hunting and fishing privileges. Also, authorizes the imposition of costs for adjudicatory hearings, and prohibits district courts from making the payment of civil restitution for illegally taken fish and wildlife a condition of probation if all civil penalties have been paid.

## Natural Resources

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**HB 337 by Daniel** (Last action - Sent to Governor)

Authorizes the payment of fines through the electronic licensing system.

**HB 1387 by Fruge** (Last action - House Committee)

**HB 1181 by Durand** (Last action - House Committee)

The bills would have eliminated the adjudication of class one violations by the administrative law process in favor of the adjudication by the district courts. Would have changed the nature of class one penalties from civil to criminal.

### **CHARTER FISHING "WALK-ON" LICENSE**

**HB 1427 by Pierre** (*Last Action – Sent to Governor*)

At the present time a nonresident may fish with a licensed charter guide with a \$5 license that is valid for three consecutive days. This bill makes the charter passenger fishing trip license available to residents and nonresidents for the same \$5 cost.

# RETIREMENT

## PUBLIC RETIREMENT SYSTEMS' ACTUARIAL COMMITTEE (PRSAC)

### HB 1431 by Schneider (*Act No. 154*)

Removes the independent actuary from the membership of Public Retirement Systems' Actuarial Committee and changes the committee quorum requirements from five members to four members. Allows official business to be transacted and any official actuarial valuation to be approved based on the consent of a majority of the members present and voting.

## COST-OF-LIVING ADJUSTMENTS (COLA)

### SB 401 by Fontenot (*Last Action – Sent to Governor*)

Relative to the **Louisiana State Employees' Retirement System**, increases the maximum annual COLA the board must grant when sufficient funds are available in the employee experience account from 2% to 3%. Further provides that the COLA shall equal the lesser of either 3% or the numerical value of the consumer price index, U.S. (CPI-U), for the immediately preceding year. However, the COLA is limited to the lesser of 2% or the numerical value of the CPI-U for the immediately preceding year, in or for any year in which the system does not earn at least 8¼% interest on the investment of the system's assets. In no event can the COLA exceed a total of 3% and the COLA is payable based only on an amount up to \$70,000 of the recipient's benefits, but the \$70,000 limitation is increased annually by an amount equal to the CPI-U for the preceding year.

### HB 1393 by Schneider (*Last Action – Sent to Governor*)

Establishes a "minimum benefit" level for all retired members and beneficiaries of the **Louisiana State Employees' Retirement System**. Provides that, effective 09/01/01, all retired members and beneficiaries receiving annuity payments on 09/01/01, and all members retiring on and after 09/01/01, and all beneficiaries receiving annuity payments on and after 09/01/01, are entitled to receive, as a COLA, a minimum retirement benefit amounting to not less than the greater of:

- C \$30/month for each year of creditable service of the retiree, or
- C The maximum benefit earned in accordance with the applicable benefit formula selected by the retiree at the time of retirement

### HB 1339 by Schneider (*Last Action – Enrolled*)

*Increased COLA.* Provides for the **Teachers' Retirement System** (TRS) to increase its annual COLA from 2% to 3%. Authorizes the system to grant a COLA equal to the lesser of either 3% or the numerical value of the consumer price index, U.S. (CPI-U), for the immediately preceding

# Retirement

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year. However, the COLA is limited to the lesser of 2% or the numerical value of the CPI-U for the immediately preceding year, in or for any year in which the system does not earn at least 8¼% interest on the investment of the system's assets. In no event can the COLA exceed a total of 3% and the COLA is payable based only on an amount up to \$70,000 of the recipient's benefits, but the \$70,000 limitation is increased annually by an amount equal to the CPI-U for the preceding year.

*Minimum Benefit.* The bill requires the TRS board of trustees to grant a one-time COLA on 12/01/01 equaling an amount up to \$200 a month, but the total monthly benefit resulting from this adjustment cannot exceed \$1,000. The COLA is payable to:

- C Each retiree who had 25 years of service credit, exclusive of unused leave, or a disability retiree regardless of the number of years of service credit, and had been receiving a benefit for at least 15 years on 12/01/01.
- C Each nonretiree beneficiary receiving a benefit on 12/01/01, if the deceased member had 25 years of service credit exclusive of unused leave, or was a disability retiree regardless of the number of years of service credit, and the retiree and nonretiree beneficiary, or both combined, had received a benefit for at least 15 years.

*Survivor/Disability Benefits.* Increases the minimum monthly benefits payable to surviving spouses and surviving minor children from \$300 per month to \$600 per month and removes the age 55 requirement as it applies for purposes of determining eligibility for disability retirees to receive COLAs.

## REEMPLOYMENT OF RETIREES

### **HB 1396 by Schneider** (*Last Action – Sent to Governor*)

Creates one law applicable to reemployment of all retirees of the **Louisiana State Employees' Retirement System**. Requires a 12-month waiting period after retirement before a retiree can be employed without penalty. If a retiree is employed within that waiting period then his benefits are suspended for a 12-month period. Requires the payment of employer and employee contributions during the period of reemployment. Provides for the accrual of additional service credit and the attainment of a new average compensation for purposes of calculating retirement benefits based on such reemployment. The additional service and new average compensation only applies if the retiree was reemployed for 36 or more months and the increased benefit calculation only applies to those years for which the retiree was reemployed. If the retiree is reemployed for less than 36 months, then he does not accrue additional service credit and does not establish a new average compensation, but his contributions are refunded to him upon termination of such reemployment.

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## Retirement

### **HB 1340 by Schneider** *(Last Action – Enrolled)*

Creates one law applicable to reemployment of all retirees of the **Teachers' Retirement System**. Allows for the reemployment of a retiree with full salary and full retirement benefits, provided such reemployment occurs after 12 months have lapsed from the effective date of the member's date of retirement. Reemployment during that 12-month waiting period still results in a suspension of benefits for the duration of reemployment or the lapse of 12 months after retirement, whichever occurs first. Disallows any prior agreements for retirement and immediate reemployment and provides that any such agreements will result in the ineligibility for benefits during the 12-month period following reemployment. Provides that retired teachers who are reemployed on a full-time basis must be rehired based upon the salary schedule that applies to a teacher with similar years of experience and requires such teachers to be subject to the same rules, policies, procedures, and statutes that apply to all full-time employees.

### **BENEFIT ACCRUAL RATE INCREASE**

### **HB 495 by Schneider** *(Last Action – Sent to Governor)*

Relative to the **State Police Pension and Retirement System**, increases the benefit accrual rate which determines the annual retirement benefit that is payable to a member and which currently results in a retirement benefit which ranges from 25-60% of salary, depending on the member's date of hire, age, and number of years of service. The new benefit accrual rate equals 3 1/3% and is applied to a new, three-tiered structure which covers all members who retire on or after July 1, 2001. However, the increased benefit accrual rate is limited to the first 25 years of salary as it pertains to certain members who entered the Deferred Retirement Option Plan (DROP) based on 20 years of service.

<u>Age</u>	<u>Years of Service</u>	<u>Benefits Paid Monthly</u>	<u>Initial Date of Employment</u>
Any	20	3 1/3% x years x comp	before 09/08/78
Any	25	3 1/3% x years x comp	on or after 09/08/78
50	10	3 1/3% x years x comp	any date

Provides for funding from the Insurance Premium Tax fund and provides for priority in uses of the fund for retirement purposes.

### **HB 1358 by Schneider** *(Last Action – Sent to Governor)*

Provides for the payment of benefits relative to member's of the **Louisiana School Employees' Retirement System** based on a benefit accrual rate equal to 3 1/3% for all years of service. The increase applies to all such member's who retire on and after 07/01/01, regardless of the date when

## Retirement

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the service was rendered, i.e., retroactive application. This is an increase from the current structure which provides for the payment of benefits based on the following criteria:

2½%	x	the first 20 years of service, plus
3%	x	all years over 20 (for years worked prior to 07/01/99)
3%	x	all years worked after 07/01/99 (regardless of whether the years are before or after the 20th year of service)

Provides that, if the funded status of the system falls below 100%, then the employee contribution rate is required to be increased in an amount sufficient to fund any cost to the system resulting from the application of the newly increased benefit accrual rates, with the loss being amortized no later than the year 2029.

### **SB 532 by Boissiere** (*Last Action – Sent to Governor*)

Provides for the payment of benefits relative to member's of the **Assessors' Retirement Fund** based on a benefit accrual rate equal to 3 1/3% for all years of service, regardless of date of hire. This is an increase from the current structure which provides for the payment of benefits based on a benefit accrual rate equal to 3% for all years of service rendered on or before 06/30/99 and 3 1/3% for all years of service rendered on and after 07/01/99. Increases employee contribution rate and authorizes an increase in the employer contribution rate. Provides for the use of excess increased employer contributions.

## **MILITARY SERVICE CREDIT**

### **HB 772 by Downer** (*Act No. 419*)

Changes the purchases of credit for nonregular (reserve, coast guard, or national guard) military service from a system based on "drill days" to a system based on "retirement points". Also, except for certain disability retirement benefits and certain preemployment nonregular service, prohibits the duplication of military credit.

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# Retirement

## Summary of Changes to Provisions being Replaced

R.S. 11:153	R.S. 11:153.1	Proposed Law
Applies to all members of the state and statewide public retirement systems who have rendered military service.	Allows any member of a state or statewide public retirement system to purchase credit for service in the state national guard, coast guard, or reserve forces, subject to the provisions of this Section.	Retains applicability only to state and statewide public retirement systems.  Deletes reference to the particular type of service. Makes provisions for purchase of regular and nonregular service.
Allows any member who has at least 18 months of creditable service in a retirement system to purchase up to four years of military service credit.	. . . not to exceed a total of four years of retirement credit.	Deletes provision requiring 18 months of service in system to purchase credit.  Retains four-year total limit of military service credit.

# Retirement

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R.S. 11:153	R.S. 11:153.1	Proposed Law
Provides that no credit can be given for service in any state national guard or in the US reserve forces, unless:	Bases credit for military service on a point system, of which the official copy of the employee's retirement points is maintained by the employee's respective military branch.	Deletes provision requiring 21 consecutive days of service.
C The credit is for full-time active duty service in the US armed forces by a member of the State National Guard or the US reserve forces which is for longer than 21 consecutive days; service is based on one day of credit for each day of service.	Authorizes any employee to purchase military credit based on his accrued points and in an amount equal to one day of retirement credit for each point.	Deletes provisions which converts service to credit based on drill days.
C Duty that is <u>not</u> full-time active duty is converted to retirement credit by allowing one day of service credit for each two drill days.		Deletes provision requiring some service in each year over a 21-year period.
C Requires the member to have served some portion of such duty in each year over a period of at least 21 years.		Retains the point system basis for converting service to credit and makes the point system apply to all nonregular service.

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## Retirement

R.S. 11:153	R.S. 11:153.1	Proposed Law
Provides that credit for military service cannot be given for any service for which a member is drawing a regular retirement benefit based on military service calculated on the basis of age and service. Further provides that this restriction does not apply to members who are drawing a disability benefit based on 25% or less disability received as a result of military service.		Allows duplication of credit, but only for the service that was rendered before the member became employed in state or local government; but only applies to members who are receiving benefits from a reserve component pension plan.
Prohibits the duplication of credit for military service, and prohibits any member from purchasing or receiving such credit if he has already received credit in any other public pension fund, including any retirement plan for members of the US armed forces from which the member is drawing a regular retirement benefit, based on age and service.	Same as R.S. 11:153.	Prohibits duplication of credit by members who are receiving benefits from a regular service military pension plan.

### **HB 1408 by Schneider** *(Last Action – Sent to Governor)*

Repeals the provisions of law relative to the **Firefighters' Retirement System** regarding the granting of credit for certain military service without cost to the employee and the provisions of law relative to the **Firefighters' Retirement System and the Municipal Police Employees' Retirement System** regarding the granting of credit for certain military service by the payment of employee contributions only.

**Retirement**

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# TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

## OFFICE OF MOTOR VEHICLES

### **HB 942 by Diez** (*Last Action - Act No. 371*)

Provides that sanctions for failing to cover a vehicle with required motor vehicle liability security or for allowing required motor vehicle liability security to lapse on a vehicle shall be imposed until proof of required motor vehicle liability security is provided to the secretary and all reinstatement fees are paid.

Reduces the reinstatement fee to \$25 per violation if the violation is for a period of 11-30 days, \$100 for violations of 31-90 days, and \$200 for violations exceeding 90 days. No reinstatement fee shall be imposed by the secretary for violations of 10 days or less.

Provides that no person shall be required to pay more than \$500 in fees for reinstatement of driving privileges.

Effective August 15, 2001.

### **HB 1900 by Katz** (*Last Action - Sent to Governor*)

Changes the minimum number of applications required to establish a prestige license plate from 100 to 1,000 applications for any plate to be created after 1/1/02.

Provides for an exception for the minimum number of applications required to establish a special prestige license plate for "CHOOSE LIFE" which minimum shall be 100 applications.

Effective upon signature of the governor.

## BICYCLE HELMETS

### **HB 81 by Bruce** (*Last Action - Enrolled*)

Prohibits a parent, guardian, or other person with legal responsibility for a child from knowingly allowing such child under the age of 12 years to operate or ride on a bicycle without wearing an approved bicycle helmet. Further prohibits a parent, guardian, or other person with legal responsibility for a child from allowing a child who weighs less than 40 pounds or who is less than 40" in height to be a passenger on a bicycle unless he is seated in and adequately secured to a restraining seat.

Prohibits any civil penalties or court costs from being assessed for any violation of these provisions and prohibits the issuance of a citation for a violation of these provisions from being prima facie evidence of negligence. Further provides that comparative negligence statutes of La. will apply.

## **Transportation, Highways and Public Works** \_\_\_\_\_

Requires persons regularly engaged in the business of selling or renting bicycles to post a sign at least 24" in length and 12" in width with lettering at least 1" in height stating these provisions.

Requires the La. Highway Safety Com. to provide funds to the La. Safe Kids Coalition to be used for the purchase of bicycle helmets to be distributed by the La. Safe Kids Coalition to indigent persons.

### **DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

#### **HB 301 by Diez** (*Last Action- Act No. 50*)

Provides for the general re-creation of the Dept. of Transportation and Development and its statutory entities, effective June 30, 2001, for a six year period. July 1, 2006, is the new termination date and termination would begin July 1, 2005, unless the department is again recreated.

#### **HB 559 by Diez** (*Last Action-Senate Calendar*)

Would have reduced the state's matching proportion of funding for airport projects from 10% to no more than 5% of the cost of the airport project.

Would have authorized the legislature to place a project that received at least 95% of its funding from other sources in the construction program for the current year if Transportation Trust Fund money were available for a project. Would have authorized the legislature, if such funds were not available, to direct the Dept. of Transportation and Development to place the project at the top of the priority list for the following year.

Would have authorized the Dept. of Transportation and Development, if sufficient funds were available or if additional funds had been appropriated by the legislature to the Airport Construction and Development Priority Program, to increase the state's share of matching funds in an amount proportionate to the increase in available funds, only if the department dedicated the first 20% of the additional funds to General Aviation airports which are not eligible for federal funds. These proposed provisions would have been applicable to projects approved by the legislature in the Aviation Construction and Development Priority Program beginning with Fiscal Year 2002-2003.

#### **HB 2072 by Diez** (*Last Action - Sent to Governor*)

Creates the Louisiana Transportation Authority within the Dept. of Transportation and Development and provides that the "authority" shall be vested with powers to promote, plan, finance, develop, construct, control, regulate, operate, and maintain any tollway or transit way to be constructed within its jurisdiction and other functions and responsibilities provided for any state entity as otherwise provided by law.

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## **Transportation, Highways and Public Works**

Provides for the "authority" to be governed by a board of nine directors with full power to promulgate rules and regulations for the maintenance and operation of said authority, subject to the approval of the House and Senate Committees on Transportation, Highways and Public Works.

Provides that the authority shall be subject to and comply with the public records law and the open meetings law and all proceedings and documents of the authority shall be public record.

Provides for additional rights and powers within the authority's jurisdictions as follows:

- (1) To adopt rules and regulations in accordance with the Administrative Procedure Act, subject to oversight by the House and Senate Transportation, Highways and Public Works Committees.
- (2) To adopt, use, and alter at will an official seal.
- (3) To plan, construct, reconstruct, maintain, improve, operate, own, or lease projects within its jurisdiction in the manner determined by the authority and to pay any project costs.
- (4) To sue and be sued in its own name.
- (5) To impose, revise, and adjust, tolls, fees, and charges in connection with its projects sufficient to pay all project costs, maintenance, operation, debt service and reserve or replacement costs, and other necessary or usual charges.
- (6) To regulate speed limits on the tollways consistent with state speed limits.
- (7) To contract with any person, partnership, association, or corporation desiring the use of any part of a project, including the right-of-way adjoining the paved portion, for placing telephone, fiber optic, telegraph, electric light, or power lines, gas stations, garages, and restaurants, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges limited to no more than the authority's direct and actual cost of administering the permitting process.
- (8) To acquire, hold, and dispose of real and personal property.
- (9) To acquire public or private lands in the name of the authority by purchase, donation, exchange, foreclosure, lease, or otherwise, including rights or easements.
- (10) To hold, sell, assign, lease, or otherwise dispose of any real or personal property; to release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals; to proceed with foreclosure actions; or to take any other actions necessary or incidental to the performance of its corporate purposes.

## **Transportation, Highways and Public Works** \_\_\_\_\_

- (11) To establish control of access, designate the location, and establish, limit, and control points of ingress and egress for each project as may be necessary or desirable in the judgment of the authority to ensure its proper operation and maintenance, and to prohibit entrance to such project from any point or points not so designated, subject to the prior written concurrence of the department when the state highway system is affected.
- (12) To relocate parish, municipal, or other public roads affected or severed by authority projects with equal or better facilities at the expense of authority.
- (13) To enter, or authorize its agents to enter, upon any lands, waters, and premises within the geographic boundaries of the authority for the purpose of making surveys, soundings, drillings, and examinations as it may deem necessary or appropriate provided that authority shall reimburse any actual damages resulting to such lands, waters, and premises as a result of such activities; such entry shall not be deemed a trespass or unlawful.
- (14) To procure insurance in such amount or amounts appropriate to the size of the project, as determined by authority, insuring the authority against all losses, risk, and liability arising out of the construction, operation, maintenance, and ownership of any project.
- (15) To apply for, receive, and accept grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held or used.
- (16) To open accounts at financial institutions necessary for the conduct of the authority's business and to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in such investments as may be provided in any financing document relating to the use of such funds subject to compliance with state laws relative to investments by political subdivisions.
- (17) To borrow money and issue bonds for any authority purpose.
- (18) To enter contracts and agreements and execute all instruments necessary.
- (19) To enter into agreements with a public or private entity to construct, maintain, repair, or operate authority projects.
- (20) To authorize the investment of public and private money to finance authority projects, subject to compliance with state law relative to use of public funds.
- (21) To employ consultants, engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as necessary for the accomplishment of authority purposes, and to fix their compensation.
- (22) To exercise the power of eminent domain in accordance with compliance of all relative provisions of law.

## **Transportation, Highways and Public Works**

- (23) To do all acts and perform things necessary or convenient to execute the powers granted to the authority by law.

Requires construction, improvement, or maintenance contracts for any authority project to be made and awarded according to the provisions governing letting of contracts by the department.

Grants the authority power to issue bonds for any authority purpose and pledge revenues for the payment of the principal and interest of such bonds. Any bonds issued by the authority shall constitute revenue bonds and shall be payable solely from revenues and bond proceeds, pending their disbursement, and investment income.

Provides that bonds issued by the authority shall not be deemed a pledge of the full faith and credit of the state and all such bonds shall contain a statement on their face stating that neither the full faith and credit of the state nor the full faith and credit of any public entity of the state is pledged to the payment of the principal of or the interest on such bonds.

Provides that when the bonds issued for any state-designated project and the interest have been paid in full, and the state-designated project is in a condition which meets department standards for structural condition and geometric design and is in a satisfactory maintenance condition, the project may be transferred by the authority in full ownership to the state of Louisiana. The department will assume jurisdiction and control of the project as a part of the state highway system, provided that the legislature authorizes an increase in mileage of the state highway system equal to the length of the project to be transferred. The department may continue to collect any toll or fee for the purpose of maintenance of the project.

### **CHILD PASSENGER RESTRAINT SYSTEMS**

#### **SB 409 by Dupre, et al. (*Last Action - Failed to Pass/House*)**

Provides that every driver in this state transporting children under the age of 13 years in a motor vehicle equipped with safety belts must have the child properly secured in accordance with the manufacturer's instructions in an age-or size-appropriate passenger restraint system.

Requires a specific child passenger restraint system depending on the particular age or weight of the child. Requires a child less than six years old or weighing 60 pounds or less to be restrained, in descending order of protectiveness, as follows:

- (1) A child less than one year old or weighing less than 20 pounds shall be in a rear-facing child safety seat.
- (2) A child at least one but less than four years old or weighing at least 20 pounds but less than 40 shall be in a front-facing child safety seat.

## Transportation, Highways and Public Works \_\_\_\_\_

- (3) A child at least four but less than six years old or weighing at least 40 but less than 60 pounds shall be in a child booster seat unless there is only a lap belt in the seating position and the child weighs more than 40 pounds.
- (4) A child at least six years old or weighing more than 60 pounds shall be in a safety belt or booster seat.

Requires a child fitting in more than one category to be placed in the more protective category.

Defines "child booster seat" as a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards and designed to elevate a child to properly sit in the federally approved safety belt system.

Provides that if a vehicle is equipped with a passenger side airbag supplemental restraint system that is activated, a child under six years of age or who weighs less than sixty pounds shall ride in a rear seat if one is available.

Provides when the number of children under age 13 exceeds the number of child passenger restraint systems available, the unrestrained child shall be in the rear seat only if a rear seat is available.

Deletes provision that for a child who is 3 to 12 years of age securing him in a lap belt or safety belt in a rear seat is sufficient and that in the event no rear seats are available, an age-or size-appropriate passenger restraint system shall be used.

Requires the Department of Public Safety and Corrections to initiate an educational program to encourage compliance with the requirements of the Act.

Amended on the House Floor to provide that if a child is restrained in a manner not provided for in the bill, any law enforcement official who stops the parent on a first violation shall provide a warning to the parent and an explanation of the requirements of the bill.

Amended on the House Floor to provide that a child may be placed, in accordance with manufacturers instructions, in a device determined by the parents of the child to be more protective than those required by the bill.

## ———— **Transportation, Highways and Public Works**

# WAYS AND MEANS

## 2001 FIRST EXTRAORDINARY SESSION

### TAXATION

#### **HB 14 by Hammett** (*Last Action – Act No. 6*)

Expands the authority of the Dept. of Revenue to issue refunds for overpayments of tax to include the following situations:

1. Where the overpayment was the result of an error or omission or a mistake of fact.
2. When the overpayment resulted from a subsequent determination that the tax was due at a reduced rate, or the overpayment resulted from a payment which exceeded the amount shown on the face of the return.
3. When it is determined that there is clear and convincing evidence that an overpayment has been made.
4. The refund of a penalty paid by a taxpayer when the penalty is later waived by the secretary.
5. When the taxpayer makes a computational error on the face of the return or any supporting documents.

## 2001 REGULAR SESSION

### CAPITAL OUTLAY

#### **HB 2 by Hammett** (*Last Action – Sent to Governor*)

Provides for the capital outlay budget and program for FY 2001-2002; including funding from the following sources of monies:

(1)	State General Fund	\$	7,382,000
(2)	Federal Funds	\$	42,755,857
(3)	Federal Funds - TTF	\$	442,000,000
(4)	Transportation Trust Fund (TTF)	\$	187,150,000
(5)	TIMED Funds	\$	70,330,438
(6)	Interagency Transfers	\$	9,000,000
(7)	Other Statutory Dedications	\$	6,608,168
(8)	Fees and Self-Generated Revenues	\$	72,978,039
(9)	Reappropriated Cash	\$	9,009,945

## Ways and Means

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(10) Revenue Bonds	\$ 258,279,050
TOTAL CASH PORTION	\$ 1,105,493,497

Authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as follows:

Priority 1	\$ 573,710,000
Priority 2	\$ 358,365,300
Priority 3	\$ 126,968,750
Priority 4	\$ 130,898,900
Priority 5	\$ 737,970,000
TOTAL GENERAL OBLIGATIONS BONDS	\$ 1,927,912,950
BONDS NRP/RBP	\$ 4,708,412
GRAND TOTAL ALL MEANS OF FINANCING	\$ 3,038,114,859

BONDS NRP is the reallocation of previously sold bonds.

BONDS RBP is the appropriation of funding made available from prepayments of reimbursement bond contracts.

### **SB 200 by Ellington** *(Last Action – Sent to Governor)*

Authorizes the Interim Emergency Board to make certain changes to project descriptions of capital outlay projects in a capital outlay act under certain circumstances upon approval of the legislature by mail ballot.

### **SB 289 by Ullo** *(Last Action – Enrolled)*

Provides exemption to certain capital outlay requirements and certain maximum cost limits for the construction of buildings not to exceed \$500,000 by inmate labor to house inmate work programs.

## **AD VALOREM TAXATION**

### **HB 233 by McDonald** *(Last Action – Enrolled)*

Provides for a procedure for applying for the special assessment level for certain persons sixty-five years of age or older. An eligible taxpayer may complete a form provided by the Louisiana Tax Commission either at the assessor's office, or send the form in by first class mail. Provides that the assessor shall not retain a copy of the applicant's federal or state income tax return or picture identification for his records.

# Ways and Means

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## **HB 1076 by Hammett** *(Last Action – Act No. 73)*

Deletes the requirement of two years experience as a Louisiana assessor or four years as a certified Louisiana deputy assessor in order for an elected assessor to become a certified Louisiana assessor. The educational requirements to become a certified Louisiana assessor remain in effect.

## **SB 619 by Hainkel** *(Last Action – House Calendar)*

Would have provided for privatized collection contracts with competent attorneys and Louisiana licensed collection contractors for delinquent ad valorem taxes and provided for additional civil penalties of up to 30% for taxes collected under such contracts.

## **SB 1046 by Ellington** *(Last Action – Sent to Governor)*

Eliminates the requirement that ad valorem taxes paid by public service companies under protest be held in escrow pending outcome of litigation. If the assessed valuation determined by the court is less than the amount determined by the Tax Commission, then the company may receive a credit against future property taxes or a refund in cash no later than 90 days from the date the judgment is rendered and becomes final. Provides that funds received as payments shall only be used for non-recurring expenses, except when pledged as security for bonds or other evidences of indebtedness and except when the proposition approving the millage provides for another purpose.

## **INCOME TAXATION**

### **SB 675 by Bill Jones** *(Last Action – Act No. 203)*

Requires every individual whose income tax liability can reasonably be expected to exceed \$1,000 after deducting withholding and credit for taxes paid to other states to file and pay a declaration of estimated tax for income tax years starting on or after January 1, 2001. Prior law set the threshold at \$200.

## **SALES AND USE TAX**

### **HB 896 by Johns** *(Last Action – Act No.245)*

Allows a dealer to represent that he will absorb all or part of the sales tax if the dealer includes in the advertisement that he will pay the tax on behalf of the purchaser and furnishes the purchaser with written evidence that he will pay any tax the purchaser was relieved from paying.

### **HB 1075 by DeWitt** *(Last Action – Sent to Governor)*

Excludes telephone directories distributed by an advertising company not affiliated with a provider of telephone services from local sales and use taxes if the directories are distributed free of charge.

# Ways and Means

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## **HB 1391 by Daniel** (*Last Action – Enrolled*)

Conforms Louisiana law on sales taxation of mobile telecommunication services to the federal Mobile Telecommunications Sourcing Act.

## **TAXATION**

## **HB 987 by Hammett** (*Last Action – Enrolled*)

Authorizes the secretary of the Dept. of Revenue to recover rebates and refundable tax credit amounts granted to a taxpayer but later disallowed. Provides that recovered rebates and refundable tax credit amounts will bear interest at a rate three percentage points above the judicial interest rate. Interest runs for refundable tax credit amounts from the date of issuance of the credit to the date payment of the recovered amount is received. Interest for rebates is computed beginning one year after the date of issuance of the rebate to the date payment is received.

## **HB 992 by Hammett** (*Last Action – Act No. 136*)

Requires the Dept. of Revenue to establish a tax amnesty program for all taxpayers owing any tax imposed by the state and collected by the department and authorizes the secretary to determine the dates of the 60-day program between July 1, 2001 and June 30, 2002. Authorizes the secretary to grant amnesty to any taxpayer who complies with provisions of programs except those who are party to any criminal investigation or any pending litigation for nonpayment, delinquency, or fraud in relation to payment of any state tax. The secretary shall not collect interest or penalties from any taxpayer who is granted amnesty.

## **HB 994 by Hammett** (*Last Action – Act No. 72*)

Authorizes the Dept. of Revenue, upon consent of the legislature, to enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration and reduce the compliance burden for sellers.

## **HB 1103 by LeBlanc** (*Last Action – Enrolled*)

Clarifies the actions which constitute the filing of a "false or fraudulent return" and provides that the failure to file any state tax return shall interrupt the running of prescription.

## **HB 1105 by LeBlanc** (*Last Action – Act No. 254*)

Provides for a rule to cease business for failure by certain persons to remit taxes collected on behalf of the state to the Department of Revenue.

## **SB 193 by Michot** (*Last Action – Sent to Governor*)

## Ways and Means

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Authorizes a taxpayer who has received a final notice of assessment for sales and use taxes from any political subdivision and whose remedy is to make a payment under protest to post a commercial bond or other security as an alternative to making a payment under protest.

**SB 673 by B. Jones** (*Last Action – Failed to Pass/House*)

Would have created a Tax Settlement Oversight Committee to approve proposed settlements of tax disputes of \$2 million or more, including interest and penalties.

**SB 1104 by B. Jones** (*Last Action – Sent to Governor*)

Expands the current authority of the secretary of the Department of Revenue to contract with private collection agencies to include in-state tax liabilities. Requires that the attorney general be designated as the collection contractor of first choice with a collection fee limit of 15% of the total liability.

## MISCELLANEOUS

**HB 1260 by Hammett** (*Last Action – House Committee*)

**SB 632 by Dardenne** (*Last Action – Sent to Governor*)

Enacts the Tobacco Settlement Financing Corporation Act for the purpose of authorizing the sale of up to 60% of the income stream from the tobacco settlement.

**SB 678 by Bill Jones** (*Last Action – Sent to Governor*)

Expands the tax clearance program to include lottery license renewals and the awarding of lottery vendor contracts.